



BYRON SHIRE COUNCIL



Byron Shire Development Control Plan 2010

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Chapter 1: Part A

General

Document History

Doc No.	Date Amended	Details Comments eg Resolution No.
#312294	14 November 2002	Res 02-946 Part A1 - General – Preamble Amendment: No. 3
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#312294	14 October 2010	Res 10-696 - to create Draft DCP 2010 for public exhibition
#1016668		Draft DCP 2010 Part A (public exhibition copy)
#1068436	14 March 2011	Adopted Res 11-169 - Format changes applied
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PART A - GENERAL

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A1. PREAMBLE

What is this Plan called?

This Plan is called *Byron Shire Development Control Plan 2010 (DCP 2010)*.

Where does this Plan apply?

DCP 2010 applies to the whole of Byron Shire.

How does this plan relate to other plans?

This plan has been prepared in accordance with Clause 74C of the *Environmental Planning and Assessment Act 1979* and the requirements of the *Environmental Planning and Assessment Regulation 2000*.

DCP 2010 repeals the following plans:

- Byron Development Control Plan 2002
- Development Control Plan No 3 – The Epicentre, Border Street, Belongil
- Development Control Plan No 4 – Friday Hut Road, Coorabell
- Development Control Plan No 6 – Bayside Brunswick Estate
- Development Control Plan No 7 – Village of Federal
- Development Control Plan No 8 – Village of Main Arm
- Development Control Plan No 9 – Suffolk Park
- Development Control Plan No 10 – Cooper’s Shoot Small Holdings Zone
- Development Control Plan No 11 – Mullumbimby
- Development Control Plan No 12 – Bangalow
- Development Control Plan No 14(a) – South Ocean Shores
- Development Control Plan No 15 – Industrial Development
- Development Control Plan No 16 – Exempt and Complying Development
- Development Control Plan No 17 – Public Exhibition and Notification of Development Applications
- Development Control Plan No 18 – Becton Site and Adjoining Lands
- Development Control Plan No 19 – Broken Head
- Development Control Plan No 20 – Bayshore Village Byron Bay
- Development Control Plan No 21 – Social Impact Assessment

The plan is generally consistent with the provisions of *Byron Local Environmental Plan 1988* as amended.

Reference should be made to adopted Policies and Guideline documents prepared by Council.

A2. PURPOSE AND STRUCTURE

What is the Purpose of this DCP?

The purpose of DCP 2010 is to provide planning strategies and controls for various types of development permissible in accordance with *Byron Local Environmental Plan 1988*.

How is this Development Control Plan structured?

DCP 2010 contains the following Chapters:

Chapter 1:	Part A	General
	Part B	Subdivision
	Part C	Residential Development
	Part D	Commercial Development
	Part E	Public Art
	Part F	Waste Minimisation and Management
	Part G	Vehicle Circulation and Parking
	Part H	Landscape
	Part I	Not in Use
	Part J	Coastal Erosion Lands
	Part K	Flood Liable Lands
	Part L	Signs
	Part M	Not in Use
	Part N	Stormwater Management
Chapter 2:		Not in Use
Chapter 3:		Not in Use
Chapter 4:		Friday Hut Road, Coorabell
Chapter 5:		Not in Use
Chapter 6:		Bayside Brunswick Estate
Chapter 7:		Village of Federal
Chapter 8:		Village of Main Arm
Chapter 9:		Suffolk Park
Chapter 10:		Cooper's Shoot Small Holdings Zone
Chapter 11:		Mullumbimby
Chapter 12:		Bangalow
Chapter 13:		Not in Use
Chapter 14:		South Ocean Shores
Chapter 15:		Industrial Development
Chapter 16:		Exempt and Complying Development
Chapter 17:		Public Exhibition and Notification of Development Applications
Chapter 18:		Becton Site and Adjoining Lands
Chapter 19:		Broken Head
Chapter 20:		Bayshore Village Byron Bay
Chapter 21:		Social Impact Assessment
Chapter 22:		Bangalow Urban Release Areas (Rezoned 2010)

A3. OBJECTIVES

What are the Objectives of this DCP?

The specific objectives for each matter included in this plan are described in the Chapter relating to that matter.

The general objectives of this plan are:

- To provide development controls and guidelines which will assist in achieving the Aim, Objective and Guiding Principles of *Byron Local Environmental Plan 1988*.
- To provide development controls and guidelines which are sufficiently flexible to promote innovative and imaginative building and development which relates well to its surroundings, both man-made and natural but sufficiently defined to remove ambiguity.
- To promote and encourage a high quality of design and amenity for all development in the Shire.
- To manage change in a way that ensures an ecologically, socially and economically sustainable urban and rural environment in which the needs and aspirations of the community are recognised.

A4. PROCEDURES

How does this DCP work?

Specific requirements for various forms of development addressed by DCP 2010 are generally divided into the primary *Control Elements* of the particular type of development. Control Elements comprise *Element Objectives*, *Performance Criteria* and *Prescriptive Measures*. In some cases both Performance Criteria and Prescriptive Measures are specified, but in other cases only one of those criteria is specified.

Every development proposal must meet the Element Objectives. This will usually be achieved by meeting the prescriptive measures. The prescriptive measures are requirements that Council considers are likely to meet the objectives and performance criteria of the particular control element. Alternatively Council may be prepared to approve development proposals that are demonstrated to meet both the element objectives and the performance criteria. This provision enables the development of innovative schemes that meet the particular characteristics of an individual site.

When is a Development Application not required?

The following Instruments and documents specify certain circumstances in which various types of development may be carried out without the prior submission and approval of a Development Application:

- *Byron Local Environmental Plan 1988*
- *State Environmental Planning Policy (SEPP) No. 4 – Development Without Consent*
- *State Environmental Planning Policy (SEPP) (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy (SEPP) (Infrastructure) 2007*
- *Byron Shire DCP 2010 Chapter 16 – Exempt and Complying Development*

Council's planning staff should be consulted to assist in determining whether or not a Development Application is required for particular developments. You may need to seek legal advice.

When is a Development Application required?

A development application is required for all permissible development, other than that listed above. Prior to the commencement of a development, formal Council consent is required. Consent can be sought through the submission of a Development Application.

Different information may be required for different types and scales of development so applicants are encouraged to consult with Council staff to determine critical issues and applicable standards prior to the preparation of plans.

When is an Environmental Impact Statement (EIS) required?

The *Environmental Planning and Assessment Regulation 2000* classifies certain developments which have the potential to cause significant environmental impact, as *Designated Development*.

Designated development requires the preparation and assessment of an Environmental Impact Statement (EIS) as part of a Development Application. Proponents of designated development are required to consult with the Department of Planning for guidelines for the preparation of the EIS.

Council's planning staff can advise whether or not particular developments will be Designated Development. You may need to seek legal advice.

How does Council consider a Development Application?

In assessing development proposals, Council will have regard to Section 79C of the *Environmental Planning and Assessment Act, 1979*. The assessment process will consider how the development satisfies the Aim, Objectives and Guiding principles of *Byron Local Environmental Plan 1988* and how it conforms with the provisions of this DCP. In assessing development proposals, consideration will also be given to how they comply with the provisions of *North Coast Regional Environmental Plan*, relevant State Environmental Planning Policies (SEPPs) and any other applicable Environmental Planning instruments.

What information is required to submit a Development Application?

See the *Environmental Planning and Assessment Regulation 2000* – Schedule 1.

A5. TREE PRESERVATION AND VEGETATION MANAGEMENT

Council's Tree Preservation Order (TPO) sets out controls on clearing, removing, trimming and managing trees and certain other vegetation in Byron Shire. It also details the procedures required to obtain consent under the TPO.

The *Threatened Species Conservation Act 1995* and the *Native Vegetation Act 2003* also contain provisions which regulate clearing, removing or damaging certain vegetation in NSW. Approval may be required from state government agencies such as the Department of Environment, Climate Change and Water.

Council's planning staff can assist with advice on tree and vegetation preservation requirements in Byron Shire.

A6. PLANNING FOR CRIME PREVENTION

The Department of Urban Affairs and Planning in April 2001 published “*Crime prevention and the Assessment of Development Applications – Guidelines under Section 79C of the Environmental Planning and Assessment Act 1979*”. The Guidelines recognise the principles of *Crime Prevention Through Environmental Design* (CPTED), and establish two levels of assessment of crime risk for consideration of Development Applications:

1. A formal Crime Risk assessment is required for any development which, in the Council’s opinion, is likely to create a risk of crime.
2. CPTED principles are to be considered in the assessment of *all* developments.

Formal Crime Risk Assessment

Council will usually undertake formal Crime Risk Assessments in consultation with local Police.

Council will undertake a formal Crime Risk Assessment for the following types of development:

- New or refurbished shopping centres or transport interchanges;
- Residential developments comprising more than 20 dwellings;
- Development or redevelopment of a mall or other public place, including the installation of new street furniture; and
- Other developments which, in the Council’s opinion, are likely to create a risk of crime.

Development applications for all such proposals are to be accompanied by a Crime Risk Assessment prepared by or on behalf of the applicant, which:

- Assesses the crime risk characteristics of the area; and
- Addresses the CPTED principles outlined in this Section of the DCP as they apply to the proposed development.

Applying CPTED Principles

The following CPTED principles will be considered by Council where relevant in assessing all development applications. Statements of Environmental Effects accompanying Development Applications should address these principles where relevant. A comprehensive assessment of all relevant CPTED principles by the applicant will facilitate Council’s processing of applications.

The CPTED principles

There are four principles that need to be used in the assessment of development applications to minimise the opportunity for crime:

- surveillance
- access control
- territorial reinforcement
- space management.

1. Surveillance

Providing opportunities for effective surveillance, both natural and technical can reduce the attractiveness of crime targets.

Good surveillance means that people can see what others are doing. People feel safe in public areas when they can easily see and interact with others. Would-be offenders are often deterred from committing crime in areas with high levels of surveillance. From a design perspective, 'deterrence' can be achieved by:

- clear sightlines between public and private places
- effective lighting of public places
- landscaping that makes places attractive, but does not provide offenders with a place to hide or entrap victims.

2. Access control

Physical and symbolic barriers can be used to attract, channel or restrict the movement of people. They minimise opportunities for crime and increase the effort required to commit crime.

By making it clear where people are permitted to go or not go, it becomes difficult for potential offenders to reach and victimise people and their property. Illegible boundary markers and confusing spatial definition make it easy for criminals to make excuses for being in restricted areas. However, care needs to be taken to ensure that the barriers are not tall or hostile, creating the effect of a compound.

Effective access control can be achieved by creating:

- landscapes and physical locations that channel and group pedestrians into target areas
- public spaces which attract, rather than discourage people from gathering
- restricted access to internal areas or high-risk areas (like car parks or other rarely visited areas). This is often achieved through the use of physical barriers.

3. Territorial reinforcement

Community ownership of public space sends positive signals. People often feel comfortable in, and are more likely to visit, places which feel owned and cared for. Well used places also reduce opportunities for crime and increase risk to criminals.

If people feel that they have some ownership of public space, they are more likely to gather and to enjoy that space. Community ownership also increases the likelihood that people who witness crime will respond by quickly reporting it or by attempting to prevent it. Territorial reinforcement can be achieved through:

- design that encourages people to gather in public space and to feel some responsibility for its use and condition
- design with clear transitions and boundaries between public and private space
- clear design cues on who is to use space and what it is to be used for.

Care is needed to ensure that territorial reinforcement is not achieved by making public spaces private spaces, through gates and enclosures.

4. Space management

Popular public space is often attractive, well maintained and well used space. Linked to the principle of territorial reinforcement, space management ensures that space is appropriately utilised and well cared for.

Space management strategies include activity coordination, site cleanliness, rapid repair of vandalism and graffiti, the replacement of burned out pedestrian and car park lighting and the removal or refurbishment of decayed physical elements.

Further Information

Further information about applying CPTED principles to development proposals is available from the following sources:

1. *AMCORD* Design and Development Practice Note PND 17 – *Guidelines for Crime prevention* is an excellent source of advice and guidelines on planning to create safer neighbourhoods, commercial centres and open space areas through urban design.
2. NSW Department of Planning.
3. NSW Police Service *Safer by Design* team
4. The *Safer by Design* program and course are available on website www.police.nsw.gov.au.

A7. DEFINITIONS

What do terms used in this DCP mean?

Words and phrases used in this DCP have the meanings defined in Byron LEP 1988.

Particular words and phrases used in the various Parts of this DCP are defined in this Section. Wherever any discrepancy arises between definitions used in this DCP and Byron LEP 1988, the provisions of Byron LEP 1988 prevails.

Those words and phrases that have a definition included below have been noted with ^(D) throughout the DCP.

Adjoining landowner

applies to land which abuts an application site or is separated from it only by a road, lane, pathway, right of way, river or stream or similar thoroughfare.

Allotment (or Site)

means the area to which title is held, excluding any land zoned or reserved for any other purpose.

Balcony

means a raised platform, commonly referred to as a deck or verandah, having a floor level more than 1m above an adjacent lower level or any deck or verandah covered by a roof.

Note: the Building Code of Australia would normally require a handrail to be installed where the edge of a floor level is more than 1m above an adjacent lower level.

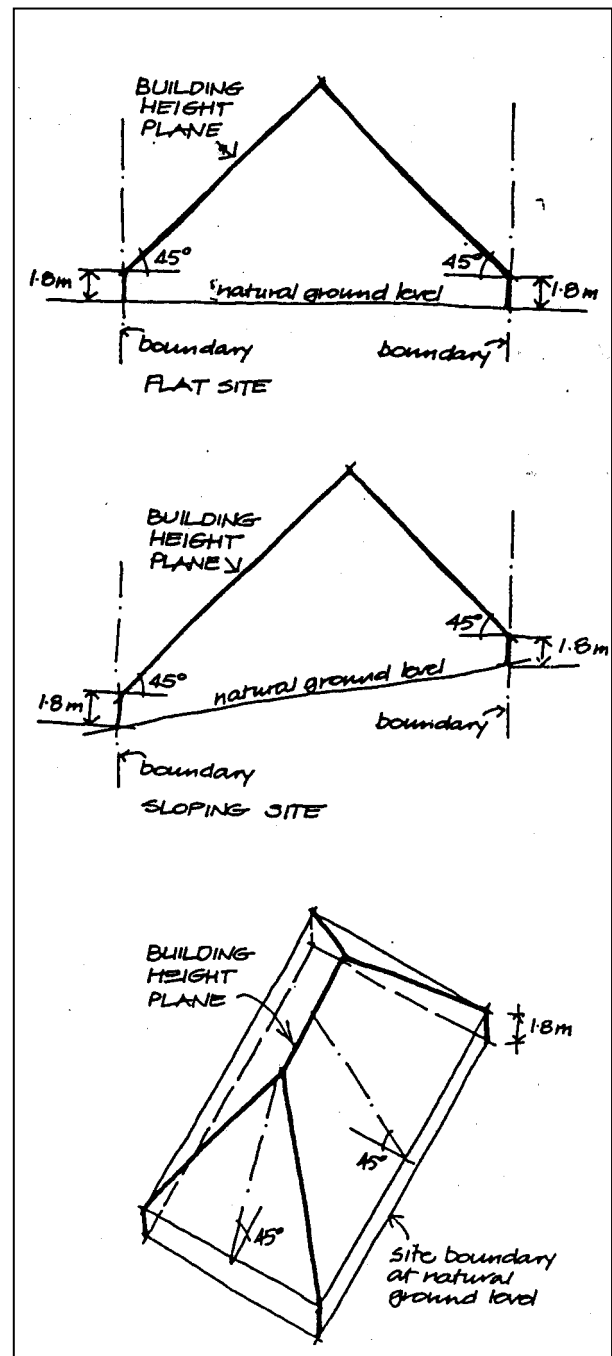
Bed and breakfast establishment

means a dwelling-house which provides temporary home-style or farm-stay accommodation for the short-term traveller and contains no more than five (5) bedrooms for accommodation. Such that, dwelling-houses will have a total floor area not exceeding 300 m² (excluding separate garages, sheds or the like) in which not more than 12 persons would be accommodated.

Note: the reference to 300m² and 12 persons is drawn from the Building Code of Australia's definition of a Class 1b building.

Boarding-house

includes a house let in lodgings or a hostel but does not include a motel;



Building height plane

means the plane projected at an angle of 45 degrees over the actual land to be built upon, from a distance of 1.8 metres above natural ground level at the boundary of the site.

See the diagram to the right

Caravan park

means land on which caravans, other moveable dwellings, tents or camper vehicles are, or are to be installed or placed.

Cattle feedlot

means any area of land where cattle are held and exclusively hand fed.

Common landscaped area

means that part of the site area above natural ground level not occupied by any building except swimming pools at or below natural ground level, which part is predominantly landscaped by way of planting, trees, gardens, lawns or shrubs and which is available for common use and enjoyment by the occupants of the building erected on the site.

It excludes drying yards, garbage collection and handling spaces and any spaces used for the movement or parking of vehicles.

Where Council deems it appropriate in terms of accessibility, treatment and appearance, the common landscaped area may include rooftop spaces, terraces, steps, walkways, swimming pools, pergolas or other built elements.

Community significant development

The following development types will always be considered as community significant development.

- a building with a gross floor area of 5,000m² or more in a industrial, rural or commercial zone; or
- any development that will be referred under the Act to the Joint Regional Planning Panel; or
- any subdivision resulting in 50 lots or more; or
- residential accommodation resulting in 10 or more dwellings; or
- any development that proposes demolition of a heritage listed item; or
- pubs; or
- small bars (nightclubs) within the meaning of the [Liquor Act 2007](#); or
- function centres; or
- restaurants in rural areas; or
- offensive industries; or
- telecommunications facility

Dual Occupancy

Any reference to a dual occupancy development includes development consisting of 2 dwellings.

The local environmental plan provides that dual occupancy may consist of:

- a) *the conversion of a dwelling house into 2 dwellings, by alteration or addition;*
or
- b) *the erection of a building containing 2 dwellings,*

but only if not more than 2 dwellings will be created or result on the allotment.

In zones 2(a), 2(t), 2(v) or 7(f2), a dual occupancy may also consist of:

- a) *the erection of a separate dwelling on an allotment of land on which a dwelling house is already situated;*
- b) *the erection of 2 separate dwellings on an allotment of land,*

but only if not more than 2 dwellings will be created or result on the allotment.

Dwelling

means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

Dwelling-house

means a building or buildings containing one but not more than one dwelling.

Erosion Line

Where used in Chapter 1 Part J of this DCP means 50 year erosion line or the 100 year erosion line, as defined in the following paragraphs.

50 year erosion line

means the line shown on the map indicating that the land to the seaward side of that line may come under threat from coastal erosion within 50 years.

100 year erosion line

means the line shown on the map indicating that the land to the seaward side of that line may come under threat from coastal erosion within 100 years.

Expanded house

means a single dwelling-house comprising of a main building and a maximum of three (3) habitable outbuildings. The design and use of the expanded house must incorporate the following requirements:

- a) all buildings are contained within a circle diameter no greater than 40 metres; and
- b) the main building contains an identifiable common living area including the kitchen; and
- c) a maximum of three (3) outbuildings may be connected to the main building by paths with an all-weather surface; and no separate driveways, car parking area or carport structure is to be provided to any outbuilding; and
- d) one outbuilding is to be limited to a maximum floor area of 45m² and the others are to be limited to a maximum 30m² excluding deck, patio, balconies and the like; and
- e) no outbuilding is to contain facilities (eg. kitchen, sink and the like) for the preparation of food or beverages; and
- f) each separate outbuilding may consist of:
 - a maximum of two (2) bedrooms or rooms with an ensuite or bathroom; and
 - a maximum of one (1) laundry.

Note: A dual occupancy development is not possible in conjunction with an expanded dwelling as the terms “attached,” “detached” and “dual occupancy building” as referred to in Byron LEP 1988 do not apply in the context of an expanded dwelling.

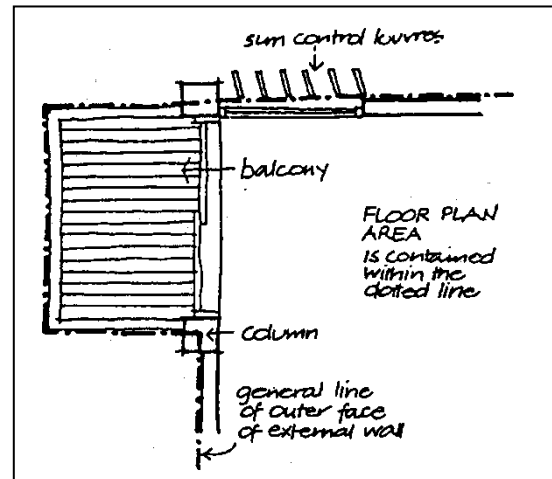
Exposed elevation

means the side or sides of a building which face towards the direction or directions which are the most likely source of a bush fire.

Floor plan area

means the area contained within the outer face of the external enclosing walls of a storey, including the area of balconies, but excluding:

- (a) columns, fin walls, sun control devices and any elements outside the general line of the outer face of the external wall;
- (b) lift towers, cooling towers, machinery and plant rooms and ancillary storage space and vertical air-conditioning ducts;
- (c) car parking needed to meet any requirements of Council and any internal access thereto;
- (d) space for the loading and unloading of goods.



Flood planning level (FPL)

means a level that is 500 mm above the 1% AEP flood level. This represents the adopted *flood level* as referred to in the definition of *flood liable land* in Byron Local Environmental Plan 1988.

Floor space ratio

means the ratio of gross floor area to site area.

Gross floor area

means the sum of the floor plan areas of all floors of a building.

Group dwelling

means a group of 3 or more dwelling houses such as are commonly known as group houses, villa homes or cluster housing or the like with each dwelling having an individual entrance and access to private open space.

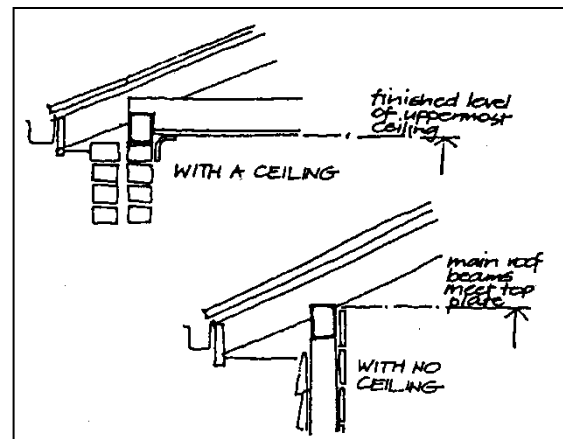
Habitable room

means

- in a residential situation: a living or working area, such as a lounge room, dining room, rumpus room, kitchen, bedroom, workroom or the like. Laundries, bathrooms and garages are non-habitable rooms. Non-habitable rooms capable of being adapted for occupation for habitable purposes or used to store valuable possessions susceptible to flood damage will not be permitted below the flood planning level.
- in an industrial or commercial situation: an area used for offices or to store valuable possessions susceptible to flood damage in the event of a flood

Height

means the vertical distance between natural ground level at any point and the finished level of the uppermost ceiling in the building, or where there is no ceiling or a "cathedral" ceiling, the level at which the main roof beams meet the top plate at that point.



Holiday cabin

means a building containing a room or a suite of rooms used, or intended to be used, for the provision of holiday accommodation only.

The building is to have a maximum gross floor area of 60 m² excluding balconies, a maximum of 2 bedrooms and may have a kitchenette and one bathroom.

Hostel

means a building or buildings incorporating bedrooms or dormitory accommodation containing beds available for separate rental and where cooking, dining, laundry, cleaning, toilet, bathrooms and other facilities are all provided on a shared basis, and primarily used or intended for use for the overnight accommodation of travellers and their vehicles.

Immediate impact line

means the line shown on the map marking the extent of land considered to be under immediate threat of coastal erosion.

Inappropriate Development

where used in Chapter 1 Part K - Flood Liable Lands, of this DCP means development that Council will not approve under any circumstances. There may be situations where, due to its proximity to higher ground, the development site could be placed in a lower flood hazard category. Council would then be able to consider the proposal on its merits.

Intensive horticulture

includes propagation nurseries, turf farming, cut flowers and the like, where the activity involves intensive propagation utilising regular mechanical and/or chemical management of the crop likely to cause some interference or nuisance with the living amenity of residents on adjoining land.

Landscaped area

means area of ground available for planting and/or management of vegetation.

Large piggery

Means a piggery accommodating in excess of 2000 pigs or 200 breeding sows.

Map

- where used in Chapter 1 Part J of this DCP, means maps entitled 'Coastal Erosion Lands'.

Medium density development

means residential urban development consisting of three or more dwellings located on the same lot such as group houses, villa homes, town houses, terraces or cluster housing or the like.

Motel

means a building or buildings containing not less than 6 motel units, substantially used or intended to be used for the overnight accommodation of travellers and their vehicles, whether or not the building or buildings are also used in the provision of meals to those travellers or the general public.

Motel unit

means a room or suite of rooms incorporating self-contained bathroom facilities, which is substantially used or intended to be used for the overnight accommodation of travellers.

Multiple occupancy

means a form of rural settlement that enables a group of people to collectively own a single allotment of land and erect three (3) or more dwelling houses as their principal place of residence.

Mural

means a piece of visual art created on an appropriate, publicly visible wall or surface with the permission of the property owner.

Other piggery

Means a piggery accommodating 10,000 pigs or less.

Porous paving

Means paving which allows infiltration of water to the subsoil.

Primitive Camping Ground

means land used for the placement of tents and campervans on a temporary basis in accordance with the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*.

Probable maximum flood (PMF)

is the flood calculated to be the maximum that is likely to occur.

Protected elevation

means the side or sides of a building which face away from the direction or directions which are the most likely source of a bush fire.

Public Art

is defined in the broadest sense as artistic works or activities accessible to the public. The work is of a permanent nature, located in or part of a public space or facility provided by both the public and private sector. Public art also includes the conceptual contribution of an artist to the design of public spaces and facilities.

Rural tourist facility

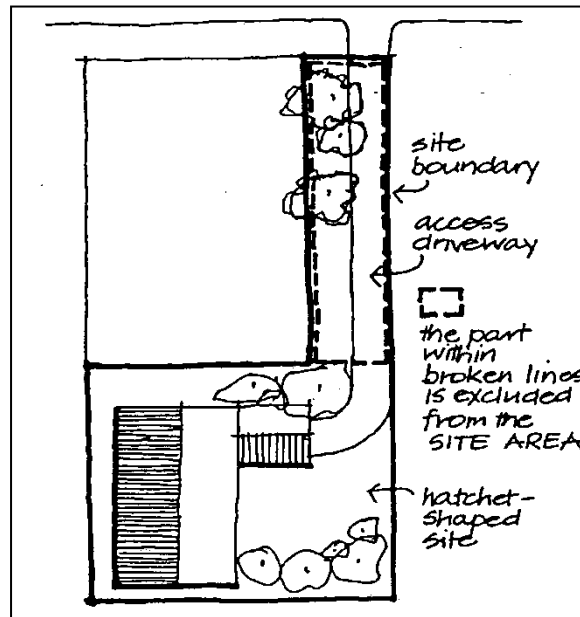
means an establishment for provision of low-scale holiday accommodation, or used for recreation or educational purposes and may consist of a bed and breakfast establishment, boat landing facilities, environmental facilities, holiday cabins, horse riding facilities, a picnic ground, a primitive camping ground or a refreshment room or the like.

Site (or allotment)

means the area to which title is held, excluding any land zoned or reserved for any other purpose.

Site area or allotment area

means the area contained within the title boundaries of the site, but, in the case of a hatchet-shaped site, excludes the area of the access corridor.



Soft landscaping area

Area of ground planted for vegetation.

Storey

means

- a) the space between two floors;
- b) the space between any floor and its ceiling or roof; and
- c) foundation areas, garages, workshops, plantrooms, storerooms and the like where the height between the adjacent natural ground level and horizontal plane in which the top of the floor above is situated is 1.5 metres or more.

A storey which exceeds 4.5 metres is counted as two storeys.

Surrounding Landowner

means a landowner up to 500m from the application site.

Zone Numbers

Zones are specified by Clause 8 of Byron Local Environmental Plan 1988

A8. PERSPECTIVES AND MODELS

Applications for residential development with a height in excess of 9 metres (ie, applications submitted under the provisions of SEPP No. 1) or (in the case of a dwelling-house) a gross floor area in excess of 300 m², are to be accompanied by suitable perspective drawings or a model to an appropriate scale.

Any application for commercial development with development/building costs in excess of \$500,000 is to be accompanied by suitable perspective drawings and photomontage. Any application for commercial development with development/building costs in excess of \$1,500,000 or a height in excess of 2 storeys is to be accompanied by a model to an appropriate scale.

Models and perspective's are to include details of other developments around the site. Pre-lodgement discussions with Council's Development Assessment Panel are recommended.

A9. BUFFER ZONES

A9.1 Element – Buffer Areas

Element Objectives

- To recognise that certain types of developments create off-site environmental impacts;
- To protect authorised residential development from intrusion by such developments ;
and
- To minimise land use conflicts between residential developments and such development;

Performance Criteria

Developments must be located so that they will not adversely affect residential development, and so that there will not be land use conflicts arising from, environmental impacts generated by developments referred to in the Prescriptive Measures.

Prescriptive Measures

To minimise land use conflicts and avoid undue interference with the living amenity of residents, the following developments must be located so as to ensure the following minimum buffer areas:

Landuse	Buffer
Large piggeries	2km
Other piggeries	1km
Feedlots	1km
Quarries	1km
Intensive horticulture ^(D)	500 metres
Sewage treatment	400 metres
Garbage tips	500 metres
Dairies	300 metres
Chicken farms	300 metres
Cattle dips	200 metres

Applicants for such development above must demonstrate to Council's satisfaction that there is a clear case for variation of this standard. The applicant must demonstrate that the element objectives and performance criteria will be met.

Applicants must address the following matters. This may involve an independent assessment of the issues by a person nominated by Council at the cost of the applicant for development.

1. Consultation with Council in respect of individual cases to determine specific matters to be addressed.
2. Operational characteristics of the land use.
3. Advice from the relevant statutory authorities.
4. Details of surveys undertaken must be provided.
5. Prevailing wind conditions and velocity of winds.
6. Topography and height^(D) of the development.
7. Slope, odour, dust and noise.

Where applications are received for development that requires buffering, the buffer zone must be provided as far as possible within the subject property and the applicant must address the abovementioned heads of consideration to Council's satisfaction.

Chapter 1: Part B

Subdivision

Document History

Doc No.	Date Amended	Details Comments eg Resolution No.
#312297	14 October 2010	Res 10-696 - to create Draft DCP 2010 for public exhibition
#1014988		Draft DCP 2010 Part B (public exhibition copy)
#1068427	14 March 2011	Adopted Res 11-169 - Format changes applied

PART B – SUBDIVISION

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Note: ^(D) = definition included in Chapter 1 Part A7 of this DCP.

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B1. INTRODUCTION

What is the purpose of this Part?

The subdivision of land establishes the basis on which future development is built. Therefore the Council seeks to ensure that the environment, the nature of future development and the aspirations of the community are given due consideration in all subdivision proposals.

The primary purpose of this Part of the DCP is to provide guidelines, controls and standards for subdivision in Byron Shire.

This Plan applies to all development consents relating to the subdivision of land within the Shire of Byron and includes strata, Torrens (freehold) and Community Title subdivision, other than those forms of subdivision permissible under Byron Development Control Plan 2010 Chapter 16 - Exempt and Complying Development.

What are the Objectives of this Part?

The objectives of this Part of the DCP are:

- To promote subdivision development which is of a high design standard and which minimises impact on the environment
- To provide for a variety of housing needs reflecting the growing diversity of household types, incomes and lifestyles
- To encourage the use of innovative design and engineering principles which enhance the physical environment and the social fabric
- To optimise the provision of infrastructure services in the most efficient and effective manner
- To ensure the continued supply of agriculturally viable land.

What special considerations apply to subdivision?

Community facilities

Applicants for subdivision in both urban and rural areas will be required to contribute towards the provision of community facilities, public reserves and open space, as Council has established that both urban and rural dwellers, and visitors utilise such facilities, whether located in towns or in the local area.

The level of such contributions will be assessed with reference to the specific characteristics of each proposal in accordance, with Section 94 of *the Environmental Planning and Assessment Act, 1979* and Council's current Section 94 Plan.

Development Control Plan

Where required by the provisions of the LEP and in such other cases as required by Council, a DCP is to be prepared for an area to be subdivided prior to the lodgement of any application for subdivision, to guide the preparation and assessment of such application/s.

The DCP may relate to land in one or more ownerships and may specify such matters as:

maximum density

- approximate road layout
- areas suitable for dwelling^(D) sites

- location of public open space and/or community facilities
- environmental management
- contributions for roads and services; or
- any other matters determined by Council.

Land owners and/or applicants may be required to provide sufficient information or financial assistance to Council to enable preparation of such a plan.

Contaminated Land

Applications for subdivision of land must be accompanied by a report addressing the provisions of *State Environmental Planning Policy No. 55 - Remediation of Land*.

The likelihood of land contamination must be considered to ensure that changes in land use will not increase risks to human health or the environment. Reports must be in accordance with:

- (a) guidelines published by NSW Department of Planning; and
- (b) guidelines for consultants reporting on contaminated land published by the Environment Protection Authority.

B2. DESIGN GUIDELINES

What Design Guidelines apply to subdivision generally?

B2.1 General

The provisions of this policy relate to the layout of subdivisions, the size, shape and orientation of allotments^(D), the provision of road access and services and other relevant matters.

Subdivision in the Shire must be in accordance with the provisions of the Byron LEP 1988 and with the provisions of this plan and any other adopted DCP which applies to the area to be subdivided.

All engineering works shall be in accordance with Council's Development Design and Construction Manual as amended from time to time and with any other relevant documents prepared by Council or as otherwise approved by Council.

The requirements and provisions of this plan applies to all subdivisions, but each application will be considered by Council on its merits, having regard to relevant objectives, performance criteria and prescriptive measures as defined in this DCP. Applicants should therefore examine this plan carefully before designing and submitting an application for subdivision, and should accompany the application with all relevant information, including reasons supporting any claim for special consideration.

B2.2 Guidelines

Applicants are advised to familiarise themselves with the matters contained in other parts of this DCP since good subdivision design cannot be achieved without proper consideration of the way in which the land will be developed and used later.

In addition, applicants are referred to relevant publications offering detailed design guidelines applicable to subdivision, such as the North Coast Design Guidelines (a NSW Department of Planning publication) (dated 1989 or as amended).

B2.3 Site design

This section should be considered in conjunction with Chapter 1 Part C of this DCP – Residential Development.

The following natural factors are to be given full consideration in the overall site design of any proposed subdivision:

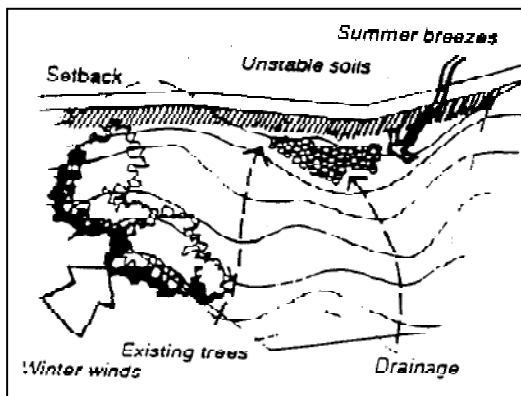
- climate control (wind and sun)
- landform
- aspect and views
- geology and soils
- drainage
- vegetation

Site design should integrate the effects of these factors with consideration of the human-made environment with which the subdivision interacts. This will include consideration of the effects of, and the impacts on these human-made elements:

- accessibility to urban centres
- accessibility to community and recreational facilities
- road and transport networks
- site access

- physical and human services
- built environment in the vicinity
- existing buildings and improvements on the site

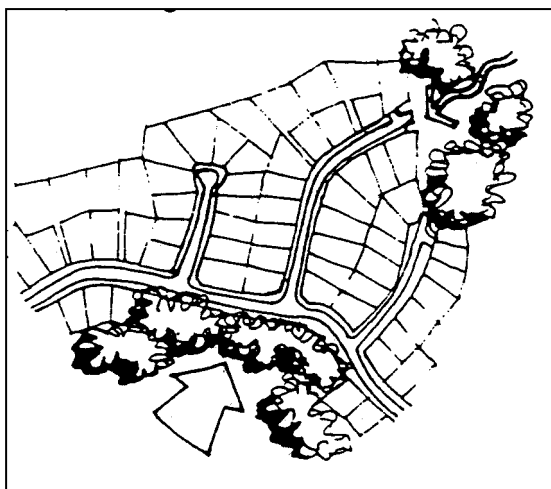
Applicants are required to demonstrate how the subdivision proposal takes these elements into account.



B2.4 Climate control

Design of the proposed subdivision should gain the most advantage of cooling breezes in summer and reduce the impact of adverse winds in winter by effective site layout and use of landscaping. Significant topographical features such as valleys and ridges can serve to channel or block prevailing winds.

Similarly, the selection of vegetation types and location of vegetation buffers and shelterbelts can be used to advantage in climate control on the site.



The site layout and landscaping should avoid funnelling unfavourable winds and encourage cooling summer breezes.

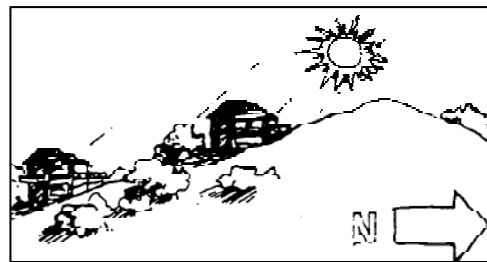
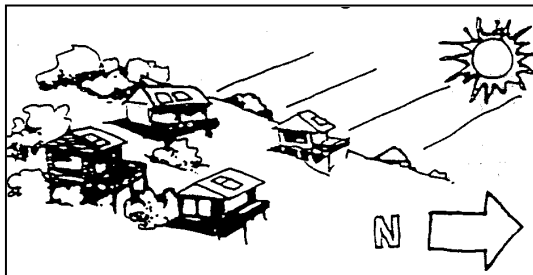
Refer to Chapter 1 Part C Section C14 of this DCP for specific provisions relating to design for energy efficient housing.

B2.5 Aspect

Aspect is a major factor in designing the subdivision layout in regard to optimising solar access and the following principles are a basic guide.
Solar access is maximised where:

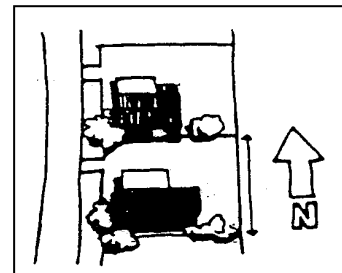
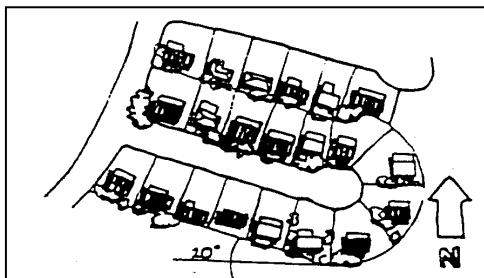
- buildings can be sited so that the main living areas are oriented north
- overshadowing of, or by other buildings is minimised

Shadows are small on a north-facing slope so dwelling^(D) sites can be closer together. On

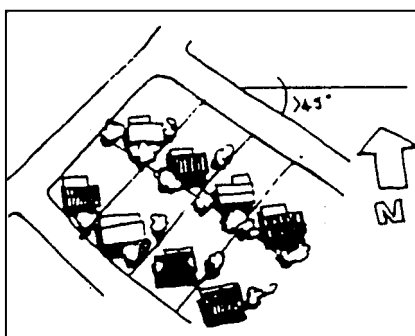


a south-facing slope, shadow length is increased so dwelling^(D) sites should be further apart. On east or west-facing slopes, dwellings^(D) need to be stepped back to maintain solar access.

Lots with a main north-south axis (from 20°W to 30°E) give the most flexibility in the siting of dwellings^(D) and reduce problems of overshadowing. Lots with a main east-west axis may need to be wider than normal.



Lots with a NW-SE or NE-SW axis are less favourable and may need to be specially designed or larger than normal to allow the siting of a house which is not parallel to the boundaries.



These guidelines should be considered integrally with the particular topography and vegetation of the site to achieve a layout that optimises solar access and site characteristics together. A regular grid of N-S and E-W streets is unlikely to result in an attractive living environment or offer the flexibility for different housing needs.

Refer to Chapter 1 Part C Section C14 of this DCP for specific provisions relating to design for energy efficient housing.

B2.6 Rural areas

Land suitable for agriculture is a limited resource and an important part of the Shire's economy. Retaining good agricultural land is therefore an important aspect of planning for the future of the Shire.

Where a subdivision is proposed near an area where land is used or has potential for agriculture, Council will give particular consideration to the likely social, economic and environmental consequences of the proposal and to the following principles:

- New lots should have dwelling^(D) sites protected from noise, dust, odours, spraying, etc, considering wind direction and topography in relation to nearby agricultural uses
- Ridgelines, vegetation and distance can provide effective buffers
- Avoid interference with own and neighbouring access for fire protection, flood or stock movement
- Maintain all-weather access to stockyards and sheds
- Ensure that flood refuges and shelterbelts are retained
- Retain paddocks in workable sizes

Drainage

Designs for stormwater drainage which are harmonious with natural drainage patterns, soils and other relevant site conditions are more likely to reduce both construction and maintenance costs. Therefore the natural drainage pattern of the site should be a basic element in subdivision layout and road design.

Applicants are encouraged to make use of open spaces and other unsealed surfaces to detain drainage surcharge. Section B3.8 suggests some innovations in stormwater drainage treatment which should be given consideration and incorporated in subdivision design where appropriate.

B2.7 Tree preservation

Chapter 1 Part A of this DCP provides information about Council's Tree Preservation Order and State Government legislation, including the *Threatened Species Conservation Act, 1995* and the *Native Vegetation Act, 2003*.

Any trees proposed to be removed as a result of a subdivision proposal must be clearly marked to facilitate identification at the time of site inspection.

Subdivision road layout should be designed around significant stands of trees which may be located within reserves or within the subdivision layout such that dwelling^(D) construction may be achieved without causing any undue interference with existing trees.

B2.8 Landscaping

The effective use of landscaping can make a significant contribution to climate control, to the overall appearance of the subdivision and to the residential environment which is ultimately created.

Applicants should refer to Chapter 1 Part H - Landscape, of this DCP for information regarding landscape design and maintenance.

Landscaping or payment in lieu may be required in accordance with Council's adopted Section 94 contribution plan/s.

B2.9 Street signs

The applicant is required to supply and erect signs in accordance with standards available from Council.

B3. DEVELOPMENT GUIDELINES

What Development Guidelines apply to subdivision?

B3.1 General

This section is aimed at assisting those involved in the subdivision process and the development industry to consider innovative alternatives to conventional practice and standards which may offer real advantages in design, cost, function and safety.

The Council, in including this advisory section, stresses that its intention is not to reduce or erode development standards but rather to suggest new and better ways of achieving the real objectives of these standards and so to enhance the quality of development in the Shire.

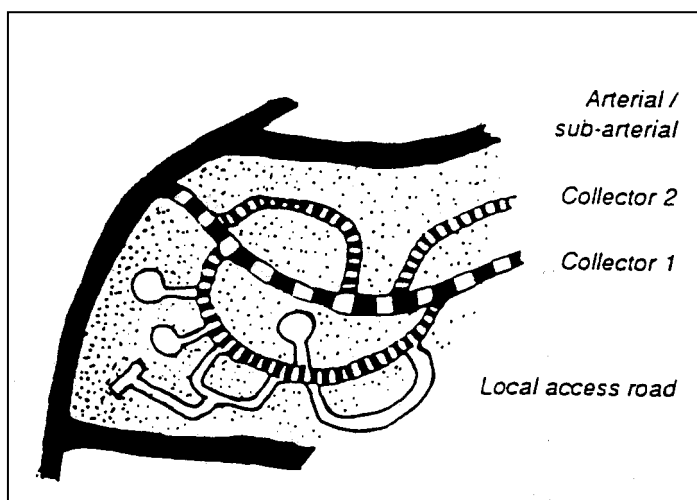
Therefore the principles outlined within this section should be taken into consideration in all subdivision designs. Although each principle is discussed separately, they are closely related and will not achieve optimum results in isolation from each other.

B3.2 Road hierarchy

The practice has often been to make road reserves and road pavements in a subdivision all the same width.

Consideration must be given to a more pronounced road hierarchy in which the size and appearance of each road matches its function. This can lead to:

- lower construction costs - since the busiest (widest) road does not determine the width of all roads
- increased safety - since road speed is determined to a considerable extent by pavement width
- improved appearance - since the width of road pavement and nature strip, and the landscape treatment can be designed appropriately for each level of the road hierarchy and for the intended users (cars, bicycles, pedestrians).



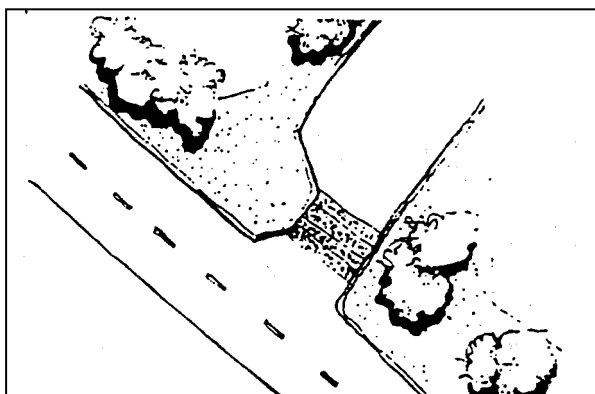
The real benefits of a road hierarchy will only be realised if the whole neighbourhood has been planned together. Streets at the lower end of the hierarchy should not become through-routes for unrelated traffic and proper provision must be made for buses and service and delivery vehicles.

Depending on the overall size and layout of a subdivision, a typical road hierarchy could include:

- Arterial or sub-arterial - giving access to the subdivision but not part of it
- Collector street - a main link through the subdivision, connecting directly with arterial roads
- Local access road - a loop road or cul-de-sac serving more than 15 lots
- Minor road - a cul-de-sac, minor loop or minor access street, serving less than 15 lots.

B3.3 Local and minor roads

Minor access roads are at the lower end of the road hierarchy. They can most happily and safely accommodate different uses together - cars, bicycles and pedestrians. This is because each serves a limited number of houses and is designed for small volumes of traffic at low speeds.

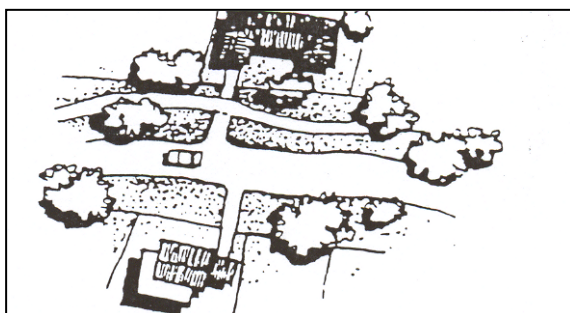


Using a greater proportion of roads at the lower end of the road hierarchy can have these advantages:

- creating a more attractive and human scale environment
- increased safety for all users by lessening traffic volume and speed
- promoting local character and mixed use of street
- reducing the amount of hard paving of roads and so reducing road construction costs and urban runoff
- helping to retain existing landscape features by reducing the area needed for roads
- integrating minor access roads with the open space network.

B3.4 Road pavement

Within a conventional road reserve width, an attractive and varied streetscape can be created by using narrower, winding roads with parking bays and footpaths within wider nature strips.



A narrower pavement width in residential streets can save costs, relate better to topographical and landscape features within the road reserve and create a pleasant, people-oriented street character. The combination of this narrower pavement meandering within the fixed reserve enhances this character.

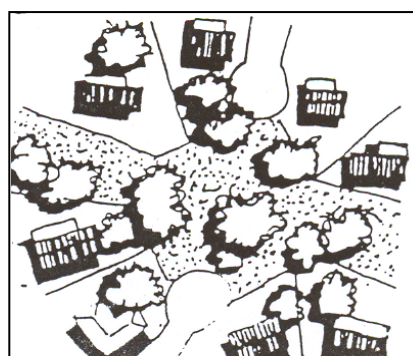
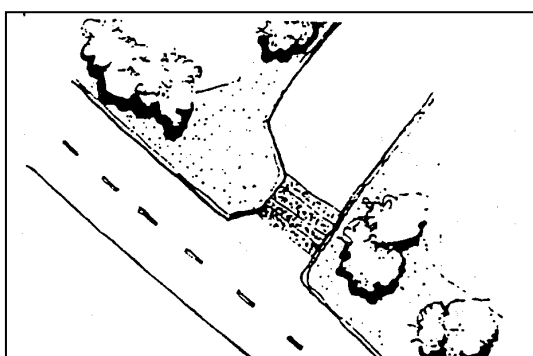
Cost savings result from reducing earthworks, road construction and paving material, and also because there is less water run-off and thus less drainage required. In many cases, only one side of the road will need a footpath.

Minimum road pavement design requirements are tabled in Council's Design and Development Manuals as amended from time to time.

B3.5 Public open space and public reserves

The value of public open space is determined by how easy it is to get to, how well it is used, potential for active or passive uses, environmental value and how pleasant it is to be there.

Public open space within a subdivision must form part of a pedestrian/cycleway network which connects residential areas and other facilities. Where appropriate, landscaping of open space must be integrated with street and private landscaping to bring the whole landscape environment together.



- There must be a functional hierarchy of open space to ensure leisure activities for a wide variety of people;
- Open space must be safe to use for access or leisure;
- It must enhance the function and appearance of the subdivision;
- It must act as a landscape-linking element; and
- Only land which is in a suitable location and which is able to be used for active or passive recreation will be considered to meet the requirements for public open space. Council will consider proposals to dedicate environmentally sensitive land as public open space.

Public open space must be provided in accordance with Council's adopted Section 94 plan. Public open space areas must be functional, well-located and distributed appropriately throughout the subdivision to maximise usage and provide for passive and active recreational opportunities.

The following works will be required for land intended to be dedicated to Council as public reserves, with all costs to be met by the applicant prior to dedication:

- (a) for active recreation areas - clearing, draining and surface grading; and
- (b) for passive recreation areas - retention of trees and native vegetation. Drainage and surface grading where required.

All road construction and associated drainage works fronting a proposed public reserve are to be undertaken at the applicant's cost.

B3.6 Lot size

The Council wishes to encourage a range of allotment^(D) sizes to meet the needs, affordability and preferences of different household types. Therefore this plan provides for a range of lot sizes in each subdivision to be integrated throughout the development.



The advantages of smaller lot sizes can include:

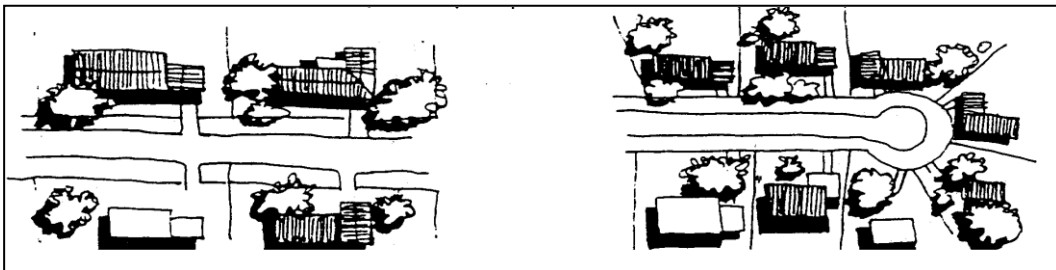
- greater choice for home owners
- more efficient use of land
- less site maintenance
- more affordable land

However, as the size of the site is reduced, good site planning and the relationship between sites become increasingly important to ensure that each dwelling^(D) site has an appropriate aspect, useable private open space and protection from overshadowing and overlooking.

No more than two battle axe allotments^(D) may be accessed by one access corridor. The access corridor shall be excluded from the minimum allotment^(D) area calculation

B3.7 Lot frontage

Conventional practice has concentrated on wide street frontages which result in larger block sizes, increased road lengths and servicing requirements, and thus higher costs per lot. With increasing diversity in housing preferences, there can be more flexibility in lot shapes to optimise the use of each lot in terms of aspect, house siting and private open space.

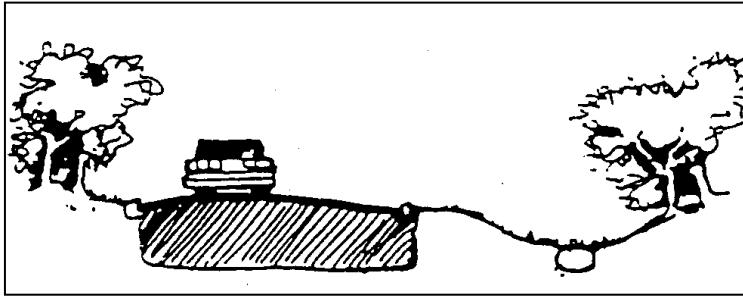


This Development Control Plan provides controls over the shape of lots. In this regard, consideration will be given to the orientation of each lot and its ability to provide a suitable house site with good aspect, useable private open space and adequate vehicle access.

B3.8 Stormwater drainage

Conventional practice requires the maximum stormwater flow depth to be contained within the road pavement and kerb area.

Greater use of the reserves as a defined overland floodway can have some advantages in cost savings, maintenance and environmental impact. Greater use of retarding basins can reduce peak flows and basins can be integrated with open space for efficient land use.



- Slower run-off means lower velocity, less siltation and less downstream erosion
- Less reliance on pipes reduces the possibility of localised flooding through pipe failure or blockage

However extreme care must be taken to ensure minimal impact of flooding in this area of high and heavy rainfall. The effectiveness of non-impervious floodways depends on soil conditions, cross-slopes and longitudinal falls. Pedestrian and vehicle safety and accessibility are major considerations with regard to floodwater depth and velocity.

Stormwater drainage design detail is tabled in Council's Design and Construction Manuals as amended from time to time.

B4. RURAL SUBDIVISION

B4.1 Element – Lot Size and Shape

Element Objectives

- *To ensure that new lot sizes and shapes are consistent with defined planning objectives.*
- *To ensure that adequate access is available to hatchet-shaped lots.*

Performance Criteria

Land suitable for agriculture is both a limited resource and an important part of the Shire's economy. Retaining good agricultural land is therefore an important aspect of planning for the future of the Shire.

Where a subdivision is proposed near an area where land is used for, or has potential for agriculture, Council will give particular consideration to the likely social, economic and environmental consequences of the proposal and to the following principles:

- New lots must have dwelling^(D) sites protected from noise, dust, odours, spraying, etc, considering wind direction and topography in relation to nearby agricultural uses
- Ridgelines, vegetation and distance can provide effective buffers
- Avoid interference with own and neighbouring access for fire protection, flood or stock movement
- Maintain all-weather access to stockyards and sheds
- Ensure that flood refuges and shelterbelts are retained

Prescriptive Measures

All lots are to conform to the minimum area prescribed in the relevant planning instruments. The LEP makes provision for minimum allotment^(D) sizes in different rural zones and applicants must familiarise themselves with all statutory requirements.

Battle-axe or hatchet-shaped lots may be permitted in rural zones. The minimum road frontage of each allotment^(D) must be 7 metres. This may translate as 3.5 metres each if reciprocal rights of carriageway provide shared access to 2 adjoining lots but no more than 2 lots are to be accessed in this way.

B4.2 Element – Residue Land

Element Objective

To ensure that the design of subdivisions on land which crosses Small Holdings Zone boundaries is consistent with defined planning objectives for the locality.

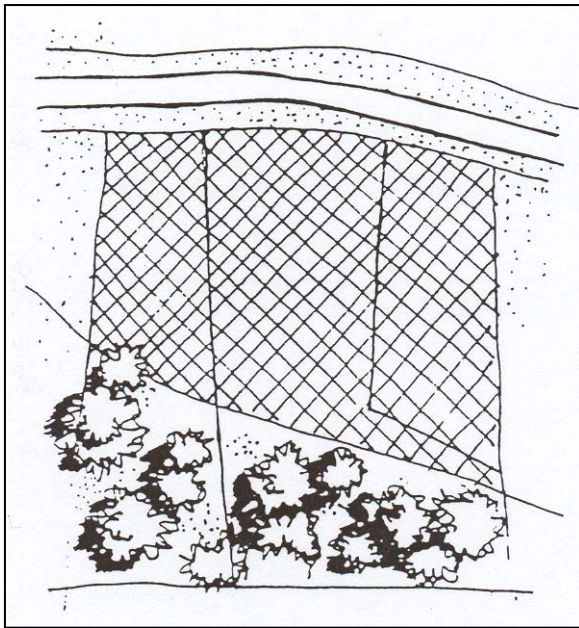
Performance Criteria

There are no Performance Criteria for this Element.

Prescriptive Measures

In many cases, a parcel of land may be partly within Zone No.1(c1)(Small Holdings Zone) or Zone No. 1(c2)(Small Holdings Zone) and partly within some other zone.

Where the part outside Zone No. 1(c1) or 1(c2) (Small Holdings Zone) is of insufficient size to create a separate lot in accordance with the provisions of the LEP relating to the zone in which the residue is situated, such land must be incorporated within one or more of the lots to be created within Zone No. 1(c1) or 1(c2)(Small Holdings Zone).



Any such land outside Zone No. 1(c1) or 1(c2)(Small Holdings Zone) may not be used to increase the lot yield as determined by the provisions of the LEP at the time of subdivision or subsequently.

Lots which incorporate residue land as described in this clause will have no further subdivision entitlement, whether or not such lots have an area greater than the minimum provided by the LEP for the relevant Zone No. 1(c)(Small Holdings Zone).

B4.3 Element – Village Zones

Element Objective

To ensure that the design of subdivisions in Village zones is consistent with defined planning objectives.

Performance Criteria

Subdivision of land within Zone No. 2(v)(Village Zone) must be in accordance with any adopted DCP relating specifically to the land which may make provision for subdivision standards, including the minimum size of lots, for any particular village area.

Prescriptive Measures

The minimum area of lots within village zones must be 1,000 square metres where it can be demonstrated to Council's satisfaction that there will be no detrimental effect on the existing village character.

Larger lot sizes may be required depending on the particular characteristics of each area and lot. It will be the applicant's responsibility to demonstrate the suitability of proposed lot sizes.

B4.4 Element – Waste Disposal

Element Objective

To ensure that sustainable sewage management facilities are available to new lots.

Performance Criteria

Applicants must demonstrate that all newly created allotments^(D) can satisfactorily provide appropriate sewage management, whether by connection to Council's sewerage reticulation system or alternative on-site disposal systems.

Prescriptive Measures

Each allotment^(D) created, where Council deems sewer service is available, may be connected to Council's sewerage reticulation system if desired.

In all other cases the performance standards for sewage management specified in the *Design Guidelines for On-site Sewage Management Systems* will apply. Council may also consider any alternative system approved by the NSW Department of Health, however any system adopted will be required to meet the minimum standards set down by Council.

B4.5 Element – Stormwater Disposal

Element Objective

To facilitate effective drainage provision and management.

Performance Criteria

Council encourages the use of existing established overland drainage paths.

Prescriptive Measures

Council will require the dedication of drainage easements or reserves to accommodate concentrated flows in a common drainage system. Drainage system design requirements are tabled in Councils Design and Development Manuals as amended from time to time.

B4.6 Element – Road Construction and Design

Element Objectives

- *To ensure access and drainage provision to new lots.*
- *To enable flexibility in design of new rural roads.*
- *To ensure adequate sight distance at intersections*
- *To ensure constructed access is provided to new lots.*

Performance Criteria

The planning, location and design of each new road must conform reasonably with the proposed road system shown in any adopted DCP which relates to the relevant area and must provide a simple, logical and safe road network which enables users to find their way readily to any destination.

Road widths must reflect the role and function of the road in the road hierarchy.

Roads must be designed to ensure adequate sight distances.

Roads must be designed to provide efficient access while reducing speed to safe levels.

Prescriptive Measures

Construction and drainage of roads are required for all rural subdivision. The design of such works is to comply with Council's Development Design and Construction Manual in rural areas and with the requirements of any DCP relating to the land. Construction must be carried out in accordance with those requirements.

Council may consider alternative designs in particular instances where the applicant can demonstrate that:

- safety requirements are not compromised
- the proposed road will not carry more than 60 vehicle movements per day

- visibility is not impaired from start to finish of the road along its centre-lines
- the grassed verge of the proposed road will not be damaged by traffic movements along the road
- an adequate manoeuvring area is provided to accommodate the turning of a standard (8.8m) service vehicle at the end of a road or in a location approved by Council,
- the proposed narrow pavement be no longer than 120 metres in length

Council requires the provision and dedication of corner splays at existing and new road intersections in accordance with the following schedule:

- (a) at the junction of a local road with a main road - as determined by the Roads and Traffic Authority;
- (b) at all other junctions in rural areas - 7.5 metres.

Where an allotment^(D) to be subdivided has access via an unsealed or unconstructed road, the applicant is to provide constructed road access from the nearest constructed road to all allotments^(D) involved in the subdivision.

B4.7 Element – Special Purpose Subdivision

Element Objective

To ensure that special purpose subdivision meets defined planning objectives.

Performance Criteria

The LEP provides for special purpose subdivision only when an allotment^(D) is created for a purpose lawfully permitted within that zone (other than agriculture, forestry, a dwelling-house^(D) or a rural worker's dwelling^(D)).

Special purpose subdivision proposals must demonstrate the degree of community benefit anticipated.

Prescriptive Measures

An application for special purpose subdivision must be accompanied by the following documentary evidence to demonstrate clearly the viability of the proposed subdivision:

- i) that a substantial commitment to the development has been made either by way of substantial infrastructure or by cash flow equivalent to average annual earnings for the Shire.
- ii) the applicant must demonstrate that a market exists or is developing for products grown or for the use for which special purpose subdivision is granted. The applicant is required to demonstrate performance ability, which may include proven ability in the field of endeavour or substantial market research. In the case of nurseries, applications will be referred to the Department of Agriculture for comment;
- iii) applications for special purpose subdivision must be consistent with the objectives of the particular zone within which subdivision is proposed.
- iv) where special purpose subdivision is proposed for a parcel of land upon which a dwelling-house^(D) exists, that dwelling-house^(D) is to be located within the residue parcel and not within the lot for which consent for a special purpose subdivision had been granted;
- v) where any land parcel falls below the minimum area permissible in the zone pursuant to clause 11 of the Byron LEP then a State Environmental Planning Policy No.1 objection to the development standard must be lodged.

B5. URBAN SUBDIVISION

B5.1 Element – Lot Size

Element Objectives

- To provide lots of sufficient size to satisfy the needs of future residents, and which will accommodate well designed and innovative development;
- To encourage diversity in lot size and opportunities for a variety of housing choice;
- To ensure that lot design takes into account the natural features of the site and locality.

Performance Criteria

Lots are to be of sufficient area to allow for the siting of a dwelling^(D) and ancillary buildings including provisions for private open space, vehicle access and parking and to permit solar access. Allotments^(D) also need provide sufficient effluent disposal areas and necessary replacement area where required.

Lot sizes are required to enable dwellings^(D) and driveways to be sited to protect natural or cultural features, and respond to site constraints including topography, bushland, soil erosion, drainage, and bushfire risk.

Prescriptive Measures

The following table indicates Council's minimum requirements for lot sizes (including residential community title) in urban subdivisions:

Type of lot	Minimum lot area
General lot	600 m ²
Corner lot	650 m ²
Hatchet-shaped lot (excluding access handle)	800 m ²
Hatchet-shaped lot adjacent to public reserve (excluding access handle)	650 m ²
Fan-shaped lot (minimum frontage 7m)	650 m ²

To provide useable areas, lot sizes must be increased where sites are steep or contain significant landscape features including watercourses and easements.

Proposed lots containing existing dwellings^(D) must not result in that lot having a floor space ratio^(D) in excess of 0.5:1.

Lots must enable the construction of a built form which is sympathetic to the established character of the area.

There is no minimum allotment^(D) size for strata subdivision.

B5.2 Element – Allotment Layout

Element Objective

To promote allotments^(D) of varying sizes which provide pleasant streetscapes, maximise energy efficiency, satisfy user requirements and mitigate environmental impacts.

Performance Criteria

Lots sizes and configurations must be varied to provide a mix of allotment^(D) types which create an efficient allotment^(D) layout, create pleasant streetscapes and encourage a variety of housing types.

Lots must be configured to account for significant natural landscape elements or constraints and mitigate environmental impact.

Lots must be designed to respect site constraints such as topography, drainage, soil landscapes, flora, fauna and bushfire hazard.

Disturbance to existing natural vegetation and landforms, watercourses, wetlands and overland flow paths must be minimised.

Lots must be configured to provide convenient access to public open space areas and community facilities.

Lots should be oriented to maximise solar access.

Lot layout and pedestrian networks must be configured to enhance personal safety and minimise potential for crime, vandalism and fear of crime.

The principles in Chapter 1 Part C Section C14 relating to design for energy efficient housing must be applied to subdivision design.

Prescriptive Measures

Where possible lots should be orientated to provide the long axis within the range N20°W to N30°E or E20°N to E30°S.

Where possible, lots must be rectangular rather than splay shaped to maximise the opportunity for energy efficient housing.

Lots must be staggered and landscaped to achieve maximum solar access and to create interest in the streetscape.

Lots and the associated vehicular and pedestrian accessways must be configured to provide convenient access to public open space areas and community facilities.

Vegetation which adds significantly to the visual amenity of the area of the land must be preserved where possible.

Lot layout and pedestrian accessway networks are to maximise the opportunities for observation of buildings, spaces and activities by residents, passing motorists and pedestrians. Double street frontages (ie. front and rear) are to be avoided and pedestrian accessways are to run largely along public spaces (including roads and open spaces).

Subdivision proposals in the urban areas of the Shire are to have regard to the possible environmental constraints that may affect any particular site.

Where lands are identified as containing or adjoining bushland or contain or adjoin lands containing endangered flora and fauna species, development proposals are to be accompanied by flora and fauna assessments prepared by suitably qualified persons. This requirement is in addition to other flora and fauna documentation required by relevant legislation, including the *Threatened Species Conservation Act, 1995* and *SEPP No.44 - Koala Habitat Protection*.

Lands identified as containing or directly adjoining natural water courses or trunk drainage lines may be subject to partial inundation during the 1 in 100 year ARI storm event. Development proposals which involve the development of land in close proximity to watercourses or other areas of possible inundation, are to be accompanied by a hydrologic study submitted by an appropriately qualified person to demonstrate that the

proposal or any future development will not interfere with the natural flowpath or be subject to flooding. Appropriate buffers to watercourses must be provided. Lots must be designed to allow the construction of a building or carriageway with a maximum cut or fill of 1m from natural ground level whilst not impeding the flow of waters.

Lands identified as having moderate or high bushfire hazard must be accompanied by a fire management plan to adequately minimise risk.

B5.3 Element – Allotment Design

Element Objectives

- *To ensure that residential lots are capable of accommodating a range of housing types.*
- *To provide useable allotments^(D) which provide pleasant streetscapes, maximise energy efficiency and mitigate environmental impacts.*

Performance Criteria

Lots must maintain an appropriate shape to accommodate a dwelling^(D) and associated development.

Lots and building envelopes must be designed to maximise solar access to dwellings^(D) and future private open space areas.

Lot design must minimise impacts on the natural environment. Significant landscape features must be incorporated as an integral part of the subdivision.

Lots must be designed to promote the development of energy efficient housing. The principles in Chapter 1 Part C Section C14 relating to design for energy efficient housing must be applied to subdivision and lot design.

Prescriptive Measures

Lots must be able to accommodate a building envelope with minimum dimensions 12 metres by 15 metres.

Building envelopes must be sited to avoid site constraints and take advantage of site opportunities.

Lots must be designed to maximise useable areas of the site and have regard to the topography.

Hatchet-shaped lots must have a minimum frontage of 5m (ie, 3m driveway and provision for services, landscaping etc). This may translate as 3m each if reciprocal rights of carriageway provide shared access, but no more than 2 lots are to be accessed in this way (ie 4m driveway and provision for services, landscaping etc.).

Landscaping of the access handle of hatchet-shaped lots is required. A landscaping plan must be submitted with the development application for subdivision - refer to Chapter 1 Part H of this Development Control Plan for details.

B6. ROADS – URBAN AREAS

B6.1 Element – Road Design and Construction

Element Objectives

- To ensure provision of a safe, logical and legible road hierarchy.
- To ensure that new roads are capable of safely accommodating multiple functions, including provision for vehicles, pedestrians, cyclists, landscaping, services and property access.
- To ensure adequate provision for safe turning of vehicles, including service vehicles.
- To ensure adequate edge treatment and pavement protection for roads.
- To ensure protection of road shoulders against traffic and erosion damage.
- To ensure the availability of safe and adequate sight distance at intersections.
- To ensure paved access of adequate construction standard is provided to new lots.
- To enable provision of services whilst protecting pavement integrity.

Performance Criteria

The planning, location and design of each new road must conform reasonably with the proposed road system shown in any adopted DCP which relates to the relevant area; and must provide a simple, logical and safe road network which enables users to find their way readily to any destination.

- Road widths should reflect the role and function of the road in the road hierarchy.
- Roads should be designed to ensure adequate site distances.
- Roads should be designed to provide efficient access while reducing speed to safe levels.
- Roads should be designed to allow on-street car parking.
- Roads in new residential subdivision areas should be designed to provide for safe, convenient and efficient bus routes and the needs of cyclists/pedestrians.

Prescriptive Measures

Widths of roads must be in accordance with the following schedule. The schedule is to be read in conjunction with Council's Development Design and Construction Manual.

No minor access road or accessway must provide a through traffic distribution function.

No allotment^(D) is to have its sole access via an existing road reserve less than 15 metres.

Type of Road	Minimum width of road reserve	Minimum width of carriageway
Local distributor	20 m	13 m
Collector	20 m	11 m
Local access road serving more than 15 lots	17 m	8 m
Minor access road serving no more than 15 lots (including 2 corner lots)	15 m	6 m

Where a turning area is required, the applicant is to provide an area sufficient to accommodate the turning of vehicles in accordance with AUSTRROADS publications and the detail provided in Councils Development Design and Construction Manuals.

Council requires integral kerb and gutter to be provided for the full length of the road frontage of the subdivision at the applicant's cost. Alternative kerb and guttering will be considered where soils and topography allow satisfactory on-site infiltration. Road shoulders must be sealed for the full length of the road frontage of the subdivision, from the edge of the existing seal to the lip of any kerb and gutter, at the applicant's cost.

Council requires the provision and dedication of corner splays at existing road intersections in accordance with the following:

- (a) at the junction of a local road with a main road - as determined by the Roads and Traffic Authority;
- (b) urban areas, cross roads – 7.5 metres.

Where an allotment^(D) proposed to be subdivided has access via an unsealed or unconstructed road, the applicant is to provide constructed road access in accordance with Council's Development Design and Construction Manual from the nearest constructed road to all allotments^(D) in the subdivision.

Where required by a service authority the applicant must provide service conduits or sub-mains in road crossings prior to the construction of the kerb and gutters.

B6.2 Element – Footpath and Nature Strip

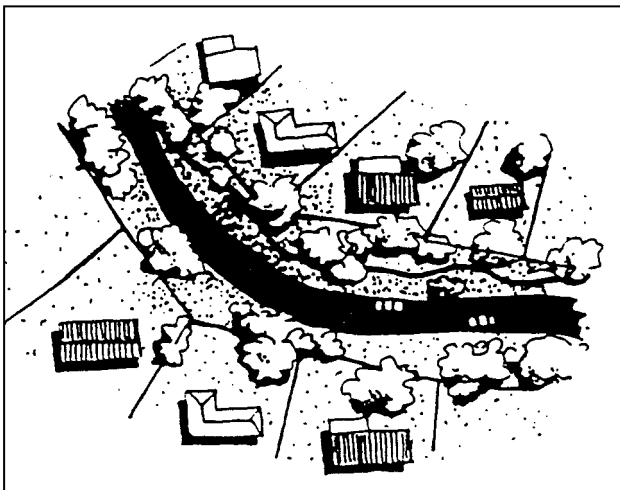
Element Objective

To ensure provision of a safe pedestrian environment and attractive, landscaped streetscape.

Performance Criteria

Council wishes to encourage footpath and nature strip treatment which reflects the particular road function and provides a safe and pleasant people-oriented environment for pedestrians and cyclists.

The alignment of footpaths should be designed to serve the needs of safety and pedestrian access to dwellings^(D), open space and other facilities to retain existing vegetation, and to contribute to the overall landscape planning of the subdivision.



Prescriptive Measures

The width of the footpath, the materials used, laybacks and tactile indicators are to be in accordance with AS 1428.4. Proponents should also check the NSW Department of Urban Affairs and Planning Technical Bulletin 17 "Access to Public Spaces for Disabled People."

In the case of local access roads, minor access roads or accessways, the provision of a footpath on one side of the road only may be approved where it is demonstrated to Council's satisfaction that the proposal enhances the residential environment and provides adequate safety and convenience for pedestrians.

The following table gives minimum width requirements for nature strips adjacent to the road classifications described in clause B6.2:

Type of Road	Minimum nature strip (each side)
Distributor	3.5 m
Collector	3.5 m
Local access road	3.0 m
Minor access road	3.0 m

The minimum nature strip area must not be used as a tool to reduce the minimum road reserve width in relation to the road pavement. Any additional area must be used by the designer to enhance and complement the local environment.

B6.3 Element – Access Design

Element Objective

To ensure provision of safe and effective access to properties.

Performance Criteria

- Accessway widths should reflect the function and volume of use.
- Accessway design should provide safe and efficient entrance/exit to individual lots.
- Accessways should form an integral part of the overall design of the subdivision
- Accessway design should minimise the impact upon the amenity of existing and future dwellings^(D).
- Accessways should be landscaped and treated to reduce the visual and environmental impact of hard paved areas

Prescriptive Measures

Vehicle access is required to each lot created by the subdivision in accordance with Council's access standards.

Shared accessways serving no more than 2 lots must have a minimum 4.0m wide carriageway.

Where the property to be subdivided is an existing battleaxe block with an access handle width of less than 5.0m, the application should be accompanied by landscaping details for the accessway area demonstrating that the landscaping complements the established character and streetscape of the area. Such details could incorporate a meandering driveway with landscaping elements on each side, different pavement treatments and kerb blisters incorporating landscaping beds.

Private accessways servicing up to 24 dwellings^(D) must have a minimum width of 8.0m. An accessway must consist of a carriageway of at least 5.0m, excluding kerbs, with a landscaped verge of 1.0m on each side and an area of 1.0m for services.

Private accessways serving 5 or more dwellings^(D) must have a minimum pavement width of 5m and passing points every 40m. Pavement widths at the boundary must be widened to 6m for a length suitable to allow vehicles to pass without restriction.

Carriageways must have a maximum grade of 20% at any point with a maximum average grade of 16% over the length of the carriageway. Carriageway materials and colours must be non glare and blend in with the built forms in the area.

Where carriageways are to be negotiated by a waste collection vehicle, they must have a maximum gradient of 16% at any one point.

The ingress and egress points of accessways must provide sight distances of 70m.

Accessway design must minimise cut and fill to a maximum of 1m from natural ground level.

Accessways must be sited away from the noise sensitive and visually sensitive components of existing and future dwellings^(D).

Where possible driveways must be located on the south side of existing and future dwellings^(D).

Carriageways must be sited to provide adequate height for all vehicles to ensure clearance of eaves, gutters and overhangs of existing buildings marked for retention.

Accessway design must provide interest and variety and avoid lengthy straight sections.

Porous paving^(D) is preferred to private access ways especially where soils are capable of high infiltration rates.

Where the site^(D) is steep or fronts a busy road or highly pedestrianised area, accessways must be designed so that the vehicles can be driven both onto and off the property in a forward direction.

Accessways serving two or more properties on sites^(D) which are steep, front a busy road, are in a highly pedestrianised area, have limited sight distance or would otherwise require a vehicle to reverse more than 50 metres must incorporate a turning area able to be accessed at all times and supported by a right of way.

Where vehicles would otherwise have to reverse more than 50m, a turning area must be provided to enable vehicles to enter and leave the site^(D) in a forward direction and to reduce the need to reverse over long distances. Turning areas for vehicles must be designed to allow the 85% Design Car Turning Path.

B7. URBAN SERVICES

B7.1 Element – Drainage Control

Element Objective

- *To control the flow of water into the natural drainage system and mitigate impacts from stormwater runoff.*
- *To enable effective drainage provision.*
- *To provide for effective roofwater disposal.*

Performance Criteria

Drainage from subdivision sites^(D) must be consistent with the pre-development stormwater patterns.

Drainage systems must be designed to ensure safety and minimise the likelihood of stormwater inundation of habitable floor areas.

Prescriptive Measures

The applicant must construct drains as required and provide all necessary drainage easements and, where necessary, transfer to Council any necessary drainage reserve.

The applicant must provide common drainage lines and easements in accordance with Council's Development Design and Construction Manuals. Easements must be created in favour of those lots served by the drainage line and burdening those burdened by the drainage line. The point of disposal for common drainage lines must be as determined by Council. The purpose of such lines is for the carriage of roof stormwater only, not inter-allotment^(D) drainage.

For small lot subdivision, an appropriate stormwater flow management system must be established to reduce the velocity of stormwater discharge.

On-site stormwater and drainage control must be designed for the 10 year ARI storm. Trunk drainage systems must provide for the 10 year ARI event with overland flow paths designed for the 100 year storm ARI event.

A hydrology study must be submitted to identify the 1 in 100 year ARI flow level where the land is traversed or adjacent a trunk drainage system.

The habitable floor areas of dwellings^(D) constructed adjacent trunk drainage systems, watercourses and creeks must be a minimum of 0.5m above the 100 year ARI flow level.

Stormwater must be gravity drained to Council's drainage system, which may require inter-allotment^(D) drainage.

Proposals may require the creation of easements over downstream properties for drainage purposes. In this circumstance, a letter of consent from the owner(s) of the downstream properties is to be submitted with the development application. Typically, those easements must be registered prior to the release of the final plan of subdivision.

B7.2 Element – Utility Services

Element Objectives

- *To provide public utilities in a safe, efficient and cost effective manner and reduce constraints on landscaping within road reserves.*
- *To minimise visual and vegetation impacts of electricity reticulation.*
- *To minimise visual and vegetation impacts of telephone service lines.*

Performance Criteria

Subdivision must have adequate provision of services and have minimal impact on the environment.

Compatible public utility services must be provided in common trenching wherever practical to minimise construction costs, soil erosion and land allocation for underground services.

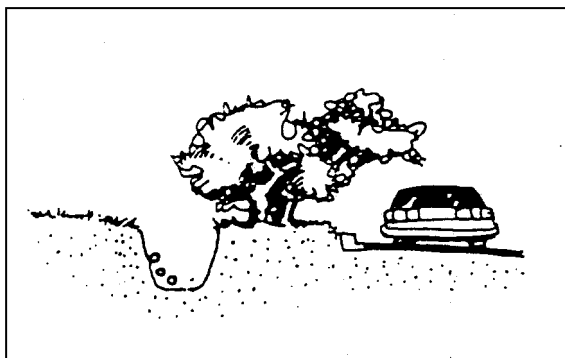
Prescriptive Measures

The siting and design of proposed utilities must be illustrated on the subdivision plan submitted with the development application.

Provision is to be made for the placement of electricity underground in urban zones unless specified by a site^(D) specific DCP or unless overhead electricity lines are predominant in the area. Alternatively, provision having been made for an adequate renewable energy system will be required prior to release of a Subdivision Certificate.

Provision is to be made for the placement of underground telephone services in urban zones. Written evidence of satisfactory arrangements with a telecommunications provider will be required prior to release of a Subdivision Certificate.

Subdivision design must provide for the common trenching, where possible, of services to reduce the number of trenches and the amount of land required, and to reduce costs and disruption due to maintenance. Trenching must meet the standards detailed within the Streets Opening Conference – Information Bulletin on Codes & Practices, 1997 or as amended.



B7.3 Element – Sewer

Element Objective

To ensure that a sustainable sewage management system is provided to all new lots.

Performance Criteria

Sewer must be provided to all lots within urban zones and satisfactory arrangements must be made with Council prior to the lodgement of any application for subdivision.

Prescriptive Measures

The sewerage system must be sized and designed in accordance with council's adopted Subdivision Design Specifications.

A contribution will be required towards the upgrading of treatment works to which the subdivision will drain. This contribution will be calculated on the basis of equivalent population as detailed in the guidelines for sewer contribution, available at the Council offices.

A further contribution will be required towards the upgrading and amplification of headworks, eg pump stations, carrier mains and rising mains.

Reticulation for the proposed development must be carried out at the proponent's cost by an approved contractor. A sewerage connection point must be made to each parcel of land designed for separate occupation. The system must be designed to optimise the effective building envelope of each lot.

All sewer mains and rising mains must be located within easements designed in accordance with Council's requirements.

Pump Stations, Wells, Access Chambers, Vents and other ancillary works must be located with due consideration to the amenity of the subdivision, of adjacent developments and the environment. Consideration must be given to noise, odours and the aesthetic impact of the system, and to access and maintenance requirements of the Council.

Road crossings are to be installed prior to the construction of kerb and gutter.

All works are to be carried out in accordance with approved plans, under Council supervision.

B7.4 Element – Water

Element Objective

To ensure that all new lots are provided with a water supply.

Performance Criteria

To ensure all new lots are provided with an adequate reticulated water supply and rain water harvesting be encouraged. Satisfactory arrangements must be made with Council before lodgement of any application for subdivision.

Prescriptive Measures

An amplification charge is required for the provision of water to each lot and will be assessed in accordance with adopted fees and charges specified in Council's Management Plan.

A water connection point must be provided to each parcel of land designed for occupation.

The water supply system must be designed to optimise the affective building envelope of each parcel of land designed for occupation.

All water mains must be located within easements designed in accordance with Council's requirements.

Pump Stations, Hydrants, Metering and other ancillary works must be located with due consideration to the amenity of the subdivision, of adjacent developments, and the environment. Consideration must be given to noise, and the aesthetic impact of the system, and to access and maintenance requirements of the Council.

Reticulation must be carried out at the proponent's cost by an approved contractor.

Road crossings are to be installed prior to the construction of kerb and gutter.

B7.5 Element – Geotechnical Report

Element Objective

To ensure that new lots have adequate geotechnical characteristics to accommodate anticipated development.

Performance Criteria

There are no Performance Criteria for this Element.

Prescriptive Measures

Council will require a certificate from a NATA - accredited practising civil engineer on all allotments^(D), identifying a building envelope of adequate size and shape (that is, a rectangle with dimensions at least 15m by 12m) on each proposed lot and is not subject to slip or subsidence.

This report must address the matters listed in AS1726 (as amended from time to time) :

- The report must be prepared by a suitably qualified engineer, acceptable to Council, specialising in geophysical sciences. It must show, by diagram, the location of test drill holes on excavations made and clearly state the result of all subsequent tests of soil samples in a format acceptable to Council. The safe bearing capacity of the soil at any particular depth must be clearly stated.
- The report is required to provide a site^(D) plan of the property, to approximate scale only, clearly identifying the proposed building site^(D) and certifying to the safety of that site^(D) and/or to any alternate site^(D) for optional use.
- The report must make specific comment of the maximum depth of any cut or excavation which is allowable to be made in conjunction with the proposed building(s). It must also clearly indicate the required angle or slope to any benching or earth wall, and whether such slope is required to be retained by a retaining wall.
- The report is required to state if any particular type of retaining wall is not recommended for use under the applicable conditions of the site^(D), and what type or types of retaining wall (to be designed by a structural engineer) may be most suitable for any site^(D).
- The report is required to state a specific area(s) of the site^(D) where excess earth or earth filling (if proposed) may be safely deposited. Details of maximum depth - compaction - angle of repose of such earth must be stated. Regard to the safety of the proposed building(s), the site^(D) itself and any adjoining or adjacent sites^(D) or buildings must be made.
- The report is required to state if any particular style of building design or material is preferred and/or any particular style or design of building should not be used, having regard to the long term safety of the building.
- The report must specifically deal with the method which may be used for safe disposal of all roof waters if such waters cannot be disposed into a stormwater drainage system of the Council.
- Council will reserve the right to refuse to accept any report which does not comply with this Clause and may require a second report or an alternate opinion on the technical detail of a report at the applicant's expense.

- Every engineer specialising in geophysical sciences and preparing reports for the consideration of Council is required to provide written evidence of their holding an insurance policy to the value of \$10m indemnifying him/her against professional negligence.

Chapter 1: Part C

Residential Development

Document History

Doc No.	Date Amended	Details Comments eg Resolution No.
#312298	14 November 2002	Res 02-946 C7.9 – Element – Garbage C14 – Studios C15 - Energy Efficient Housing Amendment: No. 3
#312298	18 May 2004	Res 04-460 C3.5 – Element – Development in Scenic Zones C7 – Medium Density and Residential Flat Buildings Amendment No 4
#312298	25 November 2004	Res 04-727 C2.2 – Height of Buildings C14 - Studios Amendment No. 5
#312298	14 October 2010	Res 10-696 - to create Draft DCP 2010 for public exhibition
#1016851		Draft DCP 2010 Part C (public exhibition copy)
#1068488	14 March 2011	Adopted Res 11-169 – format changes applied

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Note: ^(D) = definition included in Chapter 1 Part A7 of this DCP

C1. INTRODUCTION

What is the purpose of this Part?

Byron Shire is one of the most desirable residential and tourist locations in New South Wales, as much for its unique natural environment as for its lifestyle and climate attractions. The form of the built environment and its relationship to the natural environment will be a crucial factor in determining the future development of the Shire.

Byron Shire Council has recognised the need to plan for residential and tourism development. Such development will need to be in harmony with its surroundings, both natural and constructed, and enhance the physical context valued by the community and by the Shire's increasing number of visitors.

Council also recognises that there is a growing diversity in residential and tourist needs, reflecting changing household types and incomes, lifestyles and recreational pursuits. It is aware of the need to promote a higher quality of design within a more cost-efficient development framework.

This part of the Development Control Plan has been adopted by Council to incorporate controls complementing Byron Local Environmental Plan 1988. The aim has been to develop controls that provide sufficient flexibility to promote the development of innovative and imaginative building forms. Building forms need to be related to each other and to their surroundings by careful attention to orientation, forms, materials and landscaping..

This policy must be read in conjunction with other chapters of this development control plan that apply to specific areas of townships and rural parts of the Shire (see Chapter 1 Part A7).

What development does this Part apply to?

This Part of the DCP applies to all development relating to the erection of, or additions or alterations to, or use of residential development within the Shire of Byron, including:

- Dwelling houses;
- Expanded houses^(D);
- Residential flat buildings;
- Group dwelling^(D) developments, including home units, villa homes, town houses, terraces, cluster housing and the like;
- Dual occupancies^(D) (attached or detached);
- Hotels, motels, hostels^(D) and boarding-houses^(D);
- Rural tourist facilities^(D) containing accommodation;
- Tourist facilities;
- Bed and breakfast establishments^(D);
- Holiday cabins^(D);
- Caravan parks^(D) and camping grounds; and
- any other form of residential accommodation, whether for long or short-term occupation.

What are the Objectives of this Part?

- The Objectives of this Part of the DCP are:
- To promote residential development, including tourist accommodation, which is of a high design standard and which is sensitive to and enhances the physical environment and the social fabric particular to Byron Shire.

- To ensure that tourist development, located in residential areas, does not adversely impact on the amenity of residents.
- To accommodate a variety of residential forms to reflect the growing diversity of household types and incomes, lifestyles and tourist needs.
- To optimise the provision of infrastructure services in the most efficient, effective and sustainable manner including where appropriate the employment of energy and on-site water supply and waste water disposal systems.
- To ensure equity of access for people with access disabilities, particularly to medium density and non-private residential accommodation.
- To optimise the retention of views to and from water bodies, foreshore reserves, public areas, streets and residential allotments^(D).
- To limit potential for additional traffic on the road system and to reduce car dependence through facilitation of public transport, cycling and walking. New objective.

C2. GENERAL PROVISIONS

The provisions of this Part of the DCP relate to the siting and orientation of residential buildings; the allowable density and bulk; the manner in which buildings relate to the climate, environment and streetscape; provisions for landscaping, vehicular movement and parking on-site; and other relevant matters. This Part also provides design guidelines relating to the following important design considerations:

- House temperature
- Natural light and shade
- Energy consumption
- Landscape
- Bushfire risk

These factors are the realities of our environment and day-to-day life which must form the basis of house and site^(D) design.

C.2.1 Additional Design Guidelines and Information

Additional information about design and siting of residential development can be obtained from the following organisations and publications:

- NSW Department of Environment, Climate Change and Water.
- Department of Planning - North Coast Design Guidelines.
- Total Environment Centre
Level 4
78 Liverpool Street
Sydney 2000
(02)92613437
- PlanningNSW,
Guidelines for Siting Rural Dwellings in Coastal Areas,
Technical Bulletin No.11 (1978).
- Drysdale J.W., Designing Houses for Australian Climates,
Experimental Building Station Bulletin No.6 (1975).

Attention is drawn also to other Parts of this plan which contain Council's adopted DCP's and which will be taken into consideration regarding any residential development application. These are listed in Chapter 1 Part A7.

This section applies to the erection of, or additions or alterations to all forms of residential development in the Shire of Byron.

C2.2 Element – Height of Buildings

Refer to Clause 40 of Byron Local Environmental Plan 1988.

C2.3 Element – Buffer Areas

Element Objectives

- *To recognise that certain types of legitimate, established developments create off-site environmental impacts;*
- *To protect authorised established development from intrusion by residential development;*
- *To minimise land use conflicts between such developments and residential development; and*

- To ensure that the amenity of new residential development is not adversely affected by impacts from such developments.

Performance Criteria

Developments must be located so that they will not be adversely affected by, and so that there will not be landuse conflicts arising from, environmental impacts generated by developments referred to in the Prescriptive Measures.

Prescriptive Measures

To minimise land use conflicts and avoid undue interference with the living amenity of residents, residential development must be located so as to ensure the following minimum buffer areas around intensive agriculture establishments, quarries, sewage treatment plants and the like:

Landuse	Buffer
Large piggeries	2km
Other piggeries	1km
Feedlots	1km
Quarries	1km
Intensive horticulture ^(D)	500 metres
Sewage treatment	400 metres
Garbage tips	500 metres
Dairies	300 metres
Chicken farms	300 metres
Cattle dips	200 metres

Applicants for development on lands within buffer zones indicated above must demonstrate to Council's satisfaction that there is a clear case for variation of this standard. The applicant must demonstrate that the element objectives and performance criteria will be met.

The following matters must be addressed by applicants. This may involve an independent assessment of the issues by a person nominated by Council at the cost of the applicant for development.

1. Consultation with Council in respect of individual cases to determine specific matters to be addressed.
2. Operational characteristics of the land use.
3. Advice from the relevant statutory authorities.
4. Details of surveys undertaken must be provided.
5. Prevailing wind conditions and velocity of winds.
6. Topography and height^(D) of the development.
7. Slope, odour, dust and noise.
8. Economic impact to demonstrate that the long term viability of the use to be buffered is not compromised.

Where applications are received for development that requires buffering, the buffer zone must be provided as far as possible within the subject property and the applicant must address the abovementioned heads of consideration to Council's satisfaction.

C2.4 Element – Coastal Erosion Zones

Element Objective

To provide particular controls and guidelines for development in areas which are predicted to be affected by coastal processes within certain specified time frames.

Performance Criteria

With regard to residential development in coastal erosion zones, refer to Chapter 1Part J of this development control plan.

Prescriptive Measures

With regard to residential development in coastal erosion zones, refer to Chapter 1Part J of this development control plan.

C2.5 Element – Building Height Plane**Element Objectives**

1. *To ensure that a residential development will not significantly:*
 - (a) *increase the overshadowing of adjoining properties;*
 - (b) *reduce the level of privacy enjoyed by adjoining properties; or*
 - (c) *obstruct views from adjacent existing buildings; and*
2. *To ensure that the occupants of the building or buildings will enjoy the optimum use of winter sunlight and summer shade.*

Performance Criteria

Developments must be set back progressively from the site^(D) boundaries as height^(D) increases so that they do not adversely affect existing or future development on adjoining properties by way of overshadowing, impinging on privacy, or obstructing views.

Developments must be designed so that they will promote energy efficiency and so that residents may enjoy optimum use of winter sunlight and summer shade.

That the window of living areas (decks, living rooms, bedrooms, kitchens, etc.) of development on adjoining properties must, as a minimum, retain full solar access between the hours of 9.00am to 3.00pm on any day.

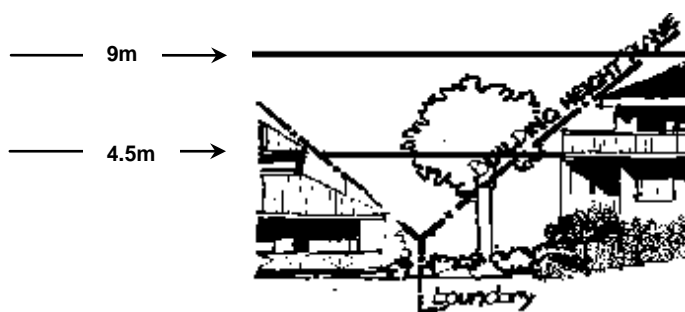
Prescriptive Measures

The building height plane^(D), in combination with building height^(D) limits prescribed above, forms the maximum building envelope for all residential development.

In this clause, a reference to a building or development includes any point on the external walls or roof of the building, but may exclude climate control elements which are of an open character and form part of the landscape treatment of the building. Pergolas, verandahs and lattice walls are examples of such elements.

the vertical distance between the topmost part of the building and the existing ground level below must not exceed **9 metres**.

the floor of the topmost floor level of the building must not exceed **4.5 metres** above the existing ground level

**C2.6 Element – Setback from Street, Side and Rear Boundaries****Element Objective**

To achieve varied and interesting streetscapes, good orientation of residential developments with regard to sun, shade, wind and neighbouring development, and effective use of allotments^(D) to create private open space and courtyards.

Performance Criteria

Setback requirements are designed to be flexible to achieve the Element Objective.

The street face of a building, and any open space between it and the street, must contribute to the general attractiveness of the streetscape by means of good design, appropriate materials and effective landscaping. A reasonable degree of integration with the existing pattern of setbacks must be balanced with the need to provide variety in the streetscape.

Private open space and common landscaped areas^(D) of the site^(D) must be useable as part of the living environment available for the occupants of the development. Council will discourage the provision of bare spaces between buildings and the street which are unusable because they lack privacy, or because they are inappropriately planned or treated for climate control.

Strict compliance with minimum setback Prescriptive Measures will not by itself be sufficient to meet the Element objectives.

The setback from a street frontage for a building which is part of a residential development will be determined on its merits, having regard to:

- a) the provisions of any development control plan applying to the specific location;
- b) the position of any existing buildings in the locality;
- c) the size and shape of the allotment^(D);
- d) the effect on vehicular safety and visibility, particularly on corner sites^(D);
- e) the orientation of the allotment^(D) and the proposed dwelling with regard to the sun and prevailing winds;
- f) the proposed location of any private open space, courtyard or landscaped areas^(D);
- g) the facade of the proposed building or buildings which will face the street and the proposed landscape treatment of that part of the allotment^(D) which is visible from the street;
- h) the location and treatment of any car parking areas or car parking structures on the site^(D),

but in any case must comply with the building height plane^(D) and must be no less than the distances shown in Prescriptive Measures below.

C2.7 Element – Extent of earthworks**Element Objective**

- *To minimise environmental impact.*
- *To blend new development into the landscape.*
- *Minimise the disturbance to the natural landform.*
- *Minimise the risk of soil erosion and sedimentation.*
- *Encourage landowners to design dwellings that are in keeping with the natural landform.*

Performance Criteria

Site disturbance by cut and fill of earthworks is to be minimised.

Prescriptive Measures

Excavation of earthworks is to be limited to a depth of 1 metre. Filling is to be limited to a height of 1 metre.

C2.8 Element – Screening the underfloor space of buildings**Element Objective**

To improve the external appearance of elevated buildings.

Performance Criteria

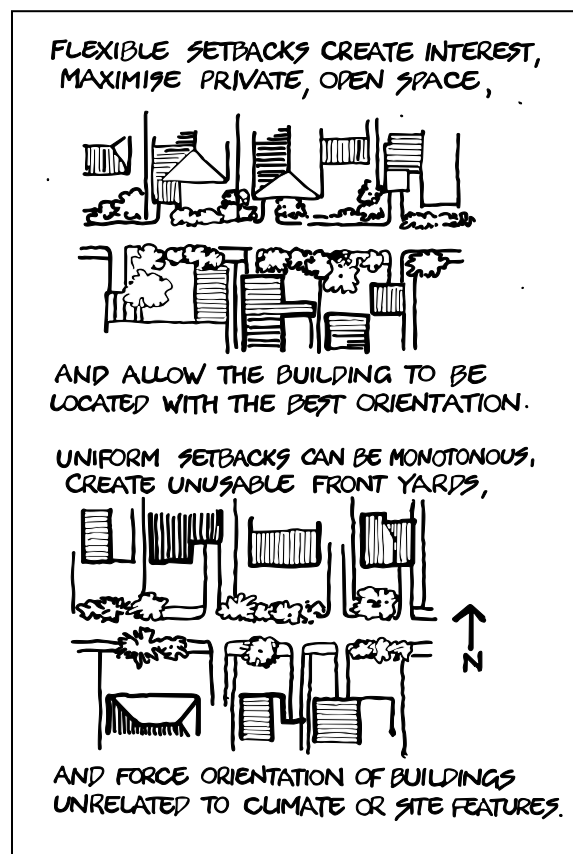
All elevated buildings are to be provided with either dwarf walls or sufficient infill panels and/or advanced landscaping to effectively screen the under floor space to improve the external appearance of buildings.

Prescriptive Measures

Where a building is elevated and the understorey is visible from adjoining properties or a public area, advanced landscaping and/or sufficient screen infill panels must be provided around the base perimeter of the building to improve the external appearance of the building. The screen is to have a vertical coverage of between 40 and 60 % of the surface area below the external wall/s of the upper floor level. The screen is to be constructed of lattice, slats or suitable equivalent materials. The screen is to be located vertically below the external walls and not the outer edge of any verandah or deck. Advanced landscaping (shrubs) is to be planted around the perimeter used in conjunction with screening infill panels where the building is in a visually prominent position with relation to adjoining properties and/or public land.

The screen is to be provided as soon as practicable but certainly prior to occupation of the building.

Where buildings are proposed on land which is bushfire prone the under floor screening may be required to comply with specific requirements prescribed by the Building Code of Australia and Australian Standard AS3959 – *Construction of Buildings in Bushfire-prone Areas*.



Prescriptive Measures

Minimum Street Frontage Setbacks must be:

in rural zones - 55 metres from the boundary of an arterial road and 15 metres from the boundary of other roads.

in urban zones -

- Local Roads - A minimum setback of 6.5 metres must be maintained from the primary front boundary. A variation to 4.5 metres may be sought for single dwelling buildings only with a height^(D) less than 3.6 metres.
- Classified or Arterial Roads - A minimum setback of 10 metres applies to these roads from the primary front boundary. A variation to 6.5 metres may be sought for single dwelling buildings only with a height^(D) less than 3.6 metres.
- Corner allotment^(D) on local or secondary roads - setbacks may be reduced to 3m on one frontage.
- Rear Lane - 3 metres, except for garages, unless it is the primary frontage to the development in which case a setback of 4.5 metres.

No development is permitted within the building setbacks other than garbage storage facilities, mail boxes, landscaping and driveways. Car spaces must not be provided within the setback. Stacked carparking or visitor carparking are not permitted within the setback.

In considering applications for setback variation, council will have regard to:

- a) the visual impact of the variation on the streetscape;
- b) the impact of the variation on the amenity, privacy, views and access of surrounding properties;
- c) the existing and future status of the road; and

- d) compliance with the Building Code of Australia.

Minimum Side and Rear Boundary Setbacks

Setbacks are to be in accordance with the requirements of the Building Code of Australia and the Building Height Plane^(D).

Minimum setbacks for residential flat buildings and group dwellings^(D)

- Side and rear setback – 1.5 metres for single storey^(D)
- Between buildings on a site^(D) – 5 metres.

Setback Provisions – South Ocean Shores

Refer to Byron Shire Development Control Plan 2010 Chapter 14 – South Ocean Shores.

C3. DESIGN PRINCIPLES

Council wishes to ensure the incorporation of design principles appropriate to the local climate and environment into all forms of residential development in the Shire. Such principles relate to siting and orientation, relationship to the surrounding built and natural environment, landscaping, visual impact, building materials, and vehicular movements.

This Section identifies element objectives, performance criteria and prescriptive measures for the various design elements applicable to residential development throughout the Shire. Applicants must refer also to the Department of Urban Affairs and Planning's North Coast Design Guidelines and to other relevant Sections of this Development Control Plan.

C3.1 Element – Visual Impact

Element Objective

To maximise the aesthetic character of the built environment, consistent with the sub-tropical character of Byron Shire.

Performance Criteria

The visual impact of any development is a product of many factors. Some of these factors will be mainly determined by the provisions of various instruments and of this and other Development Control Plans, such as building height^(D) and bulk, vehicle and servicing areas, and landscaping.

However, the actual materials of a building, the nature of its external elements, and their relationship to each other, to adjacent buildings, to the street, and to the environment, can have a significant impact on the visual appearance of both urban and rural areas in the Shire. Therefore, Council has determined some basic principles regarding the appearance of residential buildings, which will be taken into consideration regarding any residential development.

- Site^(D), building and landscaping design must address the climate;
- The street face of a building, and any open space between it and the street, must contribute to the general attractiveness of the streetscape by means of good design, appropriate materials and effective landscaping;
- There must be a reasonable degree of integration with the existing built and natural environment, balanced with the need to provide variety in streetscapes;
- Long straight wall areas will be discouraged and must be broken up visually by a combination of building materials or changes in the wall plane;
- The provision of verandahs, balconies, pergolas and other protected outdoor elements will be encouraged for both visual and energy-efficient reasons;
- Appropriately designed overhanging eaves must be provided to protect against heavy rainfall and summer sun, while allowing winter sun penetration;
- No roof must have a highly reflective surface; any metal roof must have a colorbond or equivalent finish in a colour approved by Council. *White or light coloured roofing will not be approved where likely to be intrusive.*;
- Details of building materials and surface colours must be submitted for assessment with the development application. All building materials must be in character with their surrounding environment

Prescriptive Measures

There are no prescriptive measures for this element.

C3.2 Element – Building Design in Rural Areas

Element Objective

To design for climate control, energy efficiency, reduction of bushfire risks and high quality aesthetic character for residential developments in rural areas.

Performance Criteria

With regard to residential development in rural areas of the Shire, the applicant must meet minimum design standards for climate control, energy efficiency and bushfire hazard. .

Applicants are also referred to Section C15 for considerations regarding climate control and energy consumption and to Part H for considerations regarding landscape. See Part 3.7.4 of the Building Code of Australia. Applicants must ensure that residential development enhances its surroundings visually.

Council will not consent to the erection of a building within a rural zone that presents a stark visual contrast to its surroundings or otherwise detracts from the visual amenity of the area.

Prescriptive Measures

There are no prescriptive measures for this element.

C3.3 Element – Development On or Near Ridgetops

Element Objective

To protect and enhance the natural aesthetic qualities and character of ridgelines in Byron Shire.

Performance Criteria

Developments must not intrude into the skyline when viewed from public land (roads, beaches, reserves etc.).

Clause 31 of Byron Local Environmental Plan 1988 provides that Council must not consent to the carrying out of development on or near ridgelines unless no alternative location for building or development is available, in which case the following objectives to lessen the impact are to be considered:

- a) Whether there will be adequate existing or proposed landscaping, trees or other vegetation which assist or are likely to assist in mitigating visual impact; and
- b) Whether the proposed building design elements, materials of construction and the proposed colours will mitigate potential adverse visual impact, including the reflectivity of materials to be used.

Prescriptive Measures

There are no Prescriptive Measures for this Element.

C3.4 Element – Development in Scenic Zones

Element Objective

To protect and enhance the natural aesthetic qualities and character of scenic escarpment zones.

Performance Criteria

Development on land within Zone No. 7(d) (Scenic Escarpment zone) must be designed to be compatible in appearance with the natural environment and scenic qualities of the land and landscapes in those zones.

Development that detracts from, or is not compatible with, the scenic quality and visual amenity of Byron Shire will not be permitted.

Prescriptive Measures

The Local Environmental Plan makes provision for development within Zone No.7(d) – (Scenic Escarpment Zone). It provides that Council may impose conditions on development in Zone No. 7(d) (Scenic Escarpment Zone), regarding -

- a) the use of dark tones or dark coloured materials of low reflective quality on external surfaces;
- b) the retention of existing vegetation;
- c) landscaping to be carried out on the site^(D); and
- d) the siting of proposed buildings.

C3.5 Element – Minimum Lot Sizes and Street Frontages**Element Objective**

To ensure that the area and frontage of land proposed for particular forms of residential development are suitable to accommodate a range of those development types which will be compatible with the existing and planned character of the environment in which they are located.

Performance Criteria

The site area^(D) and frontage of land proposed for various forms of residential development must be sufficient to accommodate the development, its access, landscaping and required facilities and services in accordance with this DCP and in a manner which ensures the development will be compatible with the existing and planned character of the locality.

Prescriptive Measures

The minimum site area^(D) and minimum street frontage for residential development must be:

Type	Area	Frontage
Dual Occupancy ^(D)	800 m ²	15 metres
Residential Flat Buildings, Medium Density Development and Group Dwellings ^(D) (except in Byron Bay and Suffolk Park, see below)	1200 m ²	25 metres
Residential Flat Buildings, Medium Density Development and Group Dwellings ^(D) (in Byron Bay and Suffolk Park)	N/A	20 metres
Tourist facilities including serviced and holiday apartments	1200 m ²	25 metres
Motel and Hostel ^(D) buildings	1200 m ²	25 metres

Note: For Byron Bay and Suffolk Park refer to the Residential Precinct Map

C3.6 Element –Fences

Element Objective

1. To permit residents to erect fences to provide a sense of territory, privacy, noise reduction and safety.
2. To ensure that fences do not remove the sense of safety in the street that pedestrians gain from the casual observation by residents.
3. To ensure that fences do not unduly reduce opportunities for casual social interaction in the community.
4. To ensure that fences do not become a dominant built element in the streetscape.
5. To exclude unwanted light from vehicles in particular circumstances.

Performance Criteria

Any fences located within 10 metres of the kerb in an adjoining street must not impair driver and pedestrian visibility at the intersection.

The fence must not prevent the residents of the dwelling^(D) from casually observing the adjacent street.

Fences must not detract from the streetscape in terms of materials, scale or colours.

Fences must not be used as a noise reduction measure unless other noise reduction measures (eg double glazing, mounding) are not practical or are cost prohibitive.

Prescriptive Measures

The height of fences must not exceed;

Fence Location	Height
Front Fence	1.2 metres
Side Fence	1.2 metres within the building line setback and 1.8 metres for the remainder.
Rear Fence	1.8 metres. Where the rear fence is the primary frontage, 1.2 metres

Note: A front fence is any fence or like barrier erected forward of the building line setback, whether it is erected on the boundary or not.

Any solid front fence higher than 1.2 metres must not be continuous but must have recessed sections of a minimum 0.5 x 0.5 metres at a maximum interval of 6 metres to allow planting of vegetation to reduce the impact of the fence.

Front fences greater than 1.2 metres and less than 1.8 metres are permitted for properties:

- near commercial premises; and
- where car headlights can be demonstrated to be a potential problem

Fencing Provisions – South Ocean Shores

Refer to Byron Shire Development Control Plan 2010 Chapter 14 – South Ocean Shores

C4. SINGLE DWELLINGS

This section outlines the controls applicable specifically to single dwelling^(D) development. It must be read in conjunction with the general provisions set out in Sections C1 and C2 of this Development Control Plan.

In this section, a reference to a single dwelling^(D) generally relates to a dwelling^(D) house, but also includes a reference to an expanded house^(D) or a dwelling-house^(D) operating, or proposed to be operated, as a bed and breakfast establishment^(D), except where specifically stated otherwise.

C4.1 Element – Density Control

Element Objective

To promote a low density residential character in single dwelling^(D) areas.

Performance Criteria

The bulk, scale and density of dwelling houses^(D) must be consistent with development in the locality.

The site^(D) coverage must allow adequate areas for access, parking, landscaping, useable outdoor recreation and clothes drying.

The area of the site^(D) covered by impervious surfaces must be minimised to reduce stormwater runoff.

Prescriptive Measures

A single dwelling^(D) must have a floor space ratio^(D) no greater than 0.5:1.

Twenty five percent (25%) of the site^(D) must be covered by absorbent surfaces. Such surfaces must be either lawn or landscaping.

Special Provisions – South Ocean Shores

Refer to Byron Shire Development Control Plan 2010 14 – South Ocean Shores

C4.2 Element – On-Site Car Parking

Element Objective

To provide adequate and visually compatible accommodation for vehicles.

Performance Criteria

Car parking must be provided on the site^(D) in a manner which is both convenient and visually satisfactory.

Car parking structures, including garages and carports, which are visible from the street must be integrated with the dwelling^(D) in terms of design and materials, and where possible must form part of the dwelling^(D) structure.

Prescriptive Measures

Refer to Chapter 1Part G - Vehicle Circulation and Parking for detailed provisions regarding car parking and vehicle access.

Council may consent to the location of a carport such that it does not comply with the building height plane^(D) in relation to a boundary, having regard to the matters contained in Section C2.5 and to the adequacy and safety of vehicular access.

C4.3 Element – Landscaping

Element Objective

- To enhance the visual quality of residential areas and to improve the residential amenity of the Shire.
- To limit stormwater runoff (from residential areas)

Performance Criteria

To enhance the visual quality and improve the residential amenity of the Shire, Council encourages the landscaping of dwelling-house^(D) allotments^(D) in accordance with the principles contained in Chapter 1 Part H - Landscape.

Prescriptive Measures

In cases where a dwelling^(D) is to be erected closer than 6.5 metres to the front boundary, Council will require, as a condition of approval, adequate landscaping to be provided to the street frontage of the lot prior to occupation of the dwelling^(D).

Twenty five percent (25%) of the site^(D) must be covered by absorbent surfaces. Such surfaces must be either lawn or landscaping.

C4.4 Element – Reduced Side or Rear Setbacks

Element Objective

To provide flexibility in siting and design of development in urban residential areas.

Performance Criteria

Development may be permitted to encroach into the side setback and building height plane^(D) area where it enhances the design of buildings, complements the streetscape and does not adversely affect privacy, solar access, microclimate or amenity of adjoining development.

Prescriptive Measures

In urban residential areas, Council may consent to the construction of one or more building walls set back less than 900mm from a side or rear boundary, such that the building/s cannot comply with the building height plane^(D), where:

1. such wall or walls contain no openings; and
2. it is demonstrated to Council's satisfaction that the development, if carried out, would improve the siting or orientation of the dwelling/s^(D) or the provision of private open space; and would not significantly:
 - a) increase the overshadowing of adjoining properties; or
 - b) reduce the level of privacy enjoyed by adjoining properties.

Applications for zero lot line development will only be considered where the relevant lot or lots are part of an integrated design, and where all buildings set to a zero lot line are constructed prior to issue of a Subdivision Certificate.

C5. DUAL OCCUPANCY

Council recognises the role of dual occupancy development in contributing to infill development, making fuller use of existing services, adding to the stock of rental accommodation and widening the range of housing options. Council wishes to encourage dual occupancy^(D) developments which suit the differing needs of the community and which enhance the residential character of the Shire.

For dual occupancy^(D) the minimum site area^(D) is 800 m² and the minimum street frontage is 15 metres. (See Clause C3.5)

Definitions

Any reference to a dual occupancy^(D) development includes development consisting of 2 dwellings^(D). A dual occupancy^(D) may be subdivided via strata or torrens title.

The local environmental plan provides that dual occupancy^(D) may consist of:

- (a) the conversion of a dwelling-house^(D) into 2 dwellings^(D), by alteration or addition; or
- (b) the erection of a building containing 2 dwellings^(D),

but only if not more than 2 dwellings^(D) will be created or result on the allotment^(D).

In zones 2(a), 2(t), 2(v) or 7(f2), a dual occupancy^(D) may also consist of:

- (c) the erection of a separate dwelling^(D) on an allotment^(D) of land on which a dwelling-house^(D) is already situated;
- (d) the erection of 2 separate dwellings^(D) on an allotment^(D) of land,

but only if not more than 2 dwellings^(D) will be created or result on the allotment^(D)

C5.1 Element – On-Site Car Parking

Element Objective

To provide adequate and visually compatible on-site accommodation of vehicles for residents and visitors.

Performance Criteria

On corner lots, there may be an advantage in providing access to each dwelling^(D) from a different street frontage, paying particular attention to the need to make the best use of the site^(D), to promote traffic safety and to orient buildings and landscaped areas^(D) to maximise climatic advantages.

Prescriptive Measures

The requirements for on-site car parking for dual occupancy^(D) developments are set out in Part G.

C5.2 Element – Character

Element Objective

To ensure that dual occupancy^(D) development is compatible in character with development in the locality, provides adequate private open space and addresses slope and drainage issues.

Performance Criteria

In assessing any proposal for dual occupancy^(D) development, particular consideration will be given to the topography and slope of the site^(D), design to minimise loss of privacy, the visual impact of the proposal and the likely impact on water flows and drainage.

To encourage better visual quality and greater public acceptance, any attached dual occupancy^(D) development must be designed as far as possible to look like a single dwelling^(D). Mirror-image dual occupancies must be avoided.

Private open space must be specifically designed to be easily accessible to each dwelling^(D).

Prescriptive Measures

There are no prescriptive measures for this Element.

C5.3 Element – Density Control

Element Objective

To promote a low density residential character.

Performance Criteria

The bulk, scale and density of dual occupancy^(D) development must be consistent with single dwelling^(D) development in the locality.

The site^(D) coverage must allow adequate areas for access, parking, landscaping, useable outdoor recreation and clothes drying.

The area of the site^(D) covered by impervious surfaces must be minimised to reduce stormwater runoff.

Prescriptive Measures

The local environmental plan provides that a dual occupancy^(D) development will have a floor space ratio^(D) no greater than 0.5:1.

It also provides that, where -

- a) an application is made to alter or add to a dwelling-house^(D) to create 2 attached dwellings^(D); and
- b) the floor space ratio^(D) of the dwelling-house^(D), before alteration or addition, exceeds 0.5:1,

Council may consent to the application if the floor space ratio^(D) of the dwellings^(D) to be created is not greater than the floor space ratio^(D) of the dwelling-house^(D) before alteration or addition.

Twenty five percent (25%) of the site^(D) must be covered by absorbent surfaces. Such surfaces must be either lawn or landscaping.

Where sewerage services are to be provided via an on-site sewage management system the pervious area required to be set aside for the satisfactory operation of that system (including areas for treatment and disposal, and for buffers to them) must not be included in the site area used in the above density calculations but must be an additional site area to that which would be otherwise required.

C5.4 Element – Sound Proofing

Element Objective

To ensure an acceptable acoustic environment for residents.

Performance Criteria

Division walls between separate occupancy areas must be of sound resisting construction to ensure acoustic privacy and amenity between rooms.

Prescriptive Measures

The provisions of Element C7.6 apply.

C5.5 Element – Private Open Space**Element Objective**

To ensure that adequate accessible and useable open space is provided to meet the recreational, gardening and landscape needs of residents.

Performance Criteria

Private open space areas must be of dimensions to suit the projected requirements of the occupants and guests and to accommodate outdoor recreation needs, as well as providing space for service functions such as clothes drying and domestic storage.

Part of the private open space must be capable of enabling an extension of the function of the dwelling^(D) for relaxation, dining, entertainment, recreation and children's play, and be directly accessible from the dwelling^(D). Provision must be made for space for private gardening such as vegetable gardens.

Location of private open space must take account of outlook, natural features of the site^(D) and neighbouring buildings or open space. Orientation of private open space must provide for maximum year round use in terms of sunlight.

Private recreational facilities must not adversely affect the amenity of adjacent properties.

Prescriptive Measures

Each dwelling^(D) must have a minimum landscaped area^(D) of 90m², so located that each dwelling-house^(D) will have access to an area of private open space at natural ground level, not located in the front setback, having a minimum area of 30m² and a minimum length and width each of 4m, excluding any area used for vehicle circulation or parking.

C5.6 Element – Adjoining and Adjacent Development**Element Objective**

To ensure that new development is consistent with the character and amenity of existing development in the locality.

Performance Criteria

Development must be compatible with the scale, height^(D) and character of adjoining and adjacent development.

Prescriptive Measures

Council will only consider Dual Occupancy^(D) development in urban areas where, in its opinion, it has been demonstrated that the following objectives have been met:

- a) adequate provision for reasonable protection of existing views from neighbouring houses;
- b) adequate provision for privacy of the proposed dwelling-house(s)^(D) and any adjacent dwelling-house(s)^(D);
- c) adequate provision for access to natural light and solar access for the proposed dwelling-house(s)^(D) and any adjacent dwelling-house(s)^(D);
- d) maintenance of the character and neighbourhood amenity of the adjoining residential area;

Where an application proposes the construction of a second dwelling^(D) on already developed land and the surrounding development is single storey^(D), Council will require the proposed building to be single storey^(D).

To achieve the above objectives the site^(D) characteristics, including slope and aspect, must be taken into consideration in assessing the appropriate height^(D) and number of storeys^(D).

C5.7 Element - Attached Dual Occupancies

Element Objective

To maintain the rural character and appearance of dual occupancy^(D) development in rural areas.

Performance Criteria

Dual occupancy^(D) development in rural areas must create the appearance of being a single dwelling-house^(D).

Prescriptive Measures

In rural areas, a dual occupancy^(D) must be contained within one building (that is, attached dual occupancy^(D)). The proposed development must have an appearance which gives the impression of a single dwelling-house^(D), unified by similar materials, colours, textures, massing and roof pitches. The dwellings^(D) may be connected by a carport, garage or other substantial structure.

C6. RURAL WORKERS' DWELLINGS

C6.1 Element – Considerations

Element Objective

To facilitate assessment of legitimate proposals for Rural Workers' Dwellings.

Performance Criteria

There are no performance criteria for this element.

Prescriptive Measures

Clause 16 of Byron LEP 1988 contains special provisions relating to Rural Workers' Dwellings.

The following additional matters will be given consideration in regard to applications to erect a rural worker's dwelling in addition to the provisions of the LEP:

- (a) An application to erect a rural worker's dwelling must be accompanied by the following documentary evidence by Statutory Declaration of the owner of the land to demonstrate clearly the need for an additional dwelling^(D) on the land for a rural worker:
 - i. details of existing farm enterprises, labour inputs and farm infrastructure:
 - ii. the quantity and value of produce marketed or likely to be marketed from the property.
- (b) The existing agricultural use which requires the erection of a rural workers dwelling must be of sufficient long-term viability to justify the need to engage labour.
- (c) The applicant must provide evidence that suitable accommodation is not available in the locality for the rural worker.

Council reserves the right to refer any application for a rural worker's dwelling to the Department of Primary Industries for specialist advice concerning the proposal, prior to determination of the application.

C7. MEDIUM DENSITY AND RESIDENTIAL FLAT BUILDINGS

The Council wishes to encourage variation in medium density development^(D) by providing simple, flexible controls which are intended to produce more attractive and innovative residential buildings, more imaginative use of outdoor spaces, more privacy and better access to sunlight and shade.

This section applies to all medium density development^(D), and residential flat buildings and group dwellings^(D) developments. This section must be read in conjunction with the general provisions set out in Chapter 1 Sections C1 and C2 of this Development Control Plan.

In all areas (apart from Byron Bay and Suffolk Park), the minimum site area^(D) is 1200 m² and the minimum street frontage is 25 metres. (See Clause C3.5) In Byron Bay and Suffolk Park there is no minimum site area^(D) for medium density development, residential flat buildings and group dwellings^(D) however the minimum street frontage is 20 metres (see Clause C3.5 and the Residential Precinct Map for Byron Bay and Suffolk Park).

C7.1 Element – Density Control

Element Objective

- To ensure medium density development^(D) does not overtax existing services, infrastructure and facilities; and
- To provide opportunities for a mix of housing development forms.

Performance Criteria

There are no performance criteria for this Element.

Prescriptive Measures

The maximum number of dwellings^(D) which Council will approve in those zones where medium density development^(D) is permissible can be determined by dividing the site area^(D) of the land required per dwelling^(D) into the area of the site^(D) in accordance with the table below. The minimum site area per dwelling^(D) applies for all of zones Nos. 2(a), 2(v) and 7(f2).

Dwelling ^(D) size	Site area ^(D) required per dwelling ^(D)
Small (under 55 m ² in floor plan area ^(D))	200 m ²
Medium (55-85 m ² in floor plan area ^(D))	250 m ²
Large (over 85 m ² in floor plan area ^(D))	300 m ²

However whether this theoretical maximum can be achieved on a specific site^(D) will depend on the site's^(D) shape and topography, and compliance with other requirements of this DCP.

Where sewerage services are to be provided via an on-site sewage management system the pervious area required to be set aside for the satisfactory operation of that system (including areas for treatment and disposal, and for buffers to them) must not be included in the site area used in the above density calculations but must be an additional site area to that which would be otherwise required.

Special Provisions – South Ocean Shores

Refer to Byron Shire Development Control Plan 2010 Chapter 14 – South Ocean Shores for areas identify for medium density development in South Ocean Shores. The above Density Control provisions apply to these areas.

C7.2 Element – Dwelling Densities in Byron Bay and Suffolk Park

Element Objective

- To give effect to the objectives of Zone Nos 2(a), 2(v) and 7(f2).
- To control and encourage higher dwelling^(D) densities in areas close to the Byron Bay town centre, where greater access is available to work, shopping facilities, recreation and transport.
- To encourage lower densities elsewhere to be compatible with the existing character of the neighbourhood.
- To facilitate low cost affordable housing developments by the Department of Housing or its nominated community housing provider on certain sites.
- To acknowledge lower density criteria for sites with significant ecological or heritage characteristics.
- To acknowledge lower density criteria for sites subject to natural hazards including flooding, bushfire and coastal erosion.
- To enable existing lawfully erected development to be replaced by or redeveloped at the equivalent density of development subject to compliance with other provisions of this DCP.

Performance Criteria

1. Ensure residential densities reflect the ability of Council to provide infrastructure services in an efficient, effective and sustainable manner.
2. Maintain neighbourhood character in terms of streetscape and built form in Precincts 2 and 3.
3. Minimise adverse impacts on ecologically significant vegetation in all residential areas.
4. Ensure dwellings are developed at a density, which avoids undesirable impacts including overshadowing, privacy and decrease in views.
5. Ensure dwelling density is low in areas susceptible to natural hazards.

Prescriptive Measures

New dwellings^(D) or redevelopment of existing dwellings^(D) must be at the density prescribed by the relevant precinct as shown on the Residential Precinct Map for Byron Bay and Suffolk Park, other than as follows:

1. All applications for new dwellings^(D) or redevelopment of existing dwellings^(D) where the owner of the land and the applicant is the NSW Department of Housing (or its equivalent) or its nominated community housing provider will be assessed as if they are located in Precinct 1 in relation to density. Council will need to be satisfied that appropriate mechanisms are in place to ensure long term use for affordable or community housing; and
2. Where 3 or more lawfully erected dwellings^(D) existed on a site^(D) as at the 19th December 2003 and the existing density would not comply with the table below then the equivalent of the existing density of dwellings^(D) will be considered subject to compliance with other provisions of this DCP.; and

The maximum number of dwellings^(D) which Council will approve in Zones Nos 2(a), 2(v) and 7(f2) in Byron Bay and Suffolk Park can be determined by dividing the minimum area of the land required per dwelling^(D) into the site area^(D) in accordance with the table below. The precincts referred to in the table below are shown on the Residential Precinct Map for Byron Bay and Suffolk Park.

Precinct	Dwelling ^(D) Size ^(D)	Minimum Site Area ^(D) per Dwelling ^(D)
Precinct 1	Small (under 55 m ² in floor plan area(s)) ^(D) OR	200 m ²
	Medium (55-85 m ² in floor plan area(s)) ^(D) OR	250 m ²
	Large (over 85 m ² in floor plan area(s)) ^(D)	300 m ²

Development Control Plan 2010 – Chapter 1 Part C - Residential Development
Adopted 3 March 2011 Effective 31 March 2011 (#1068488)

Note: ^(D) = definition included in Chapter 1 Part A7 of this DCP

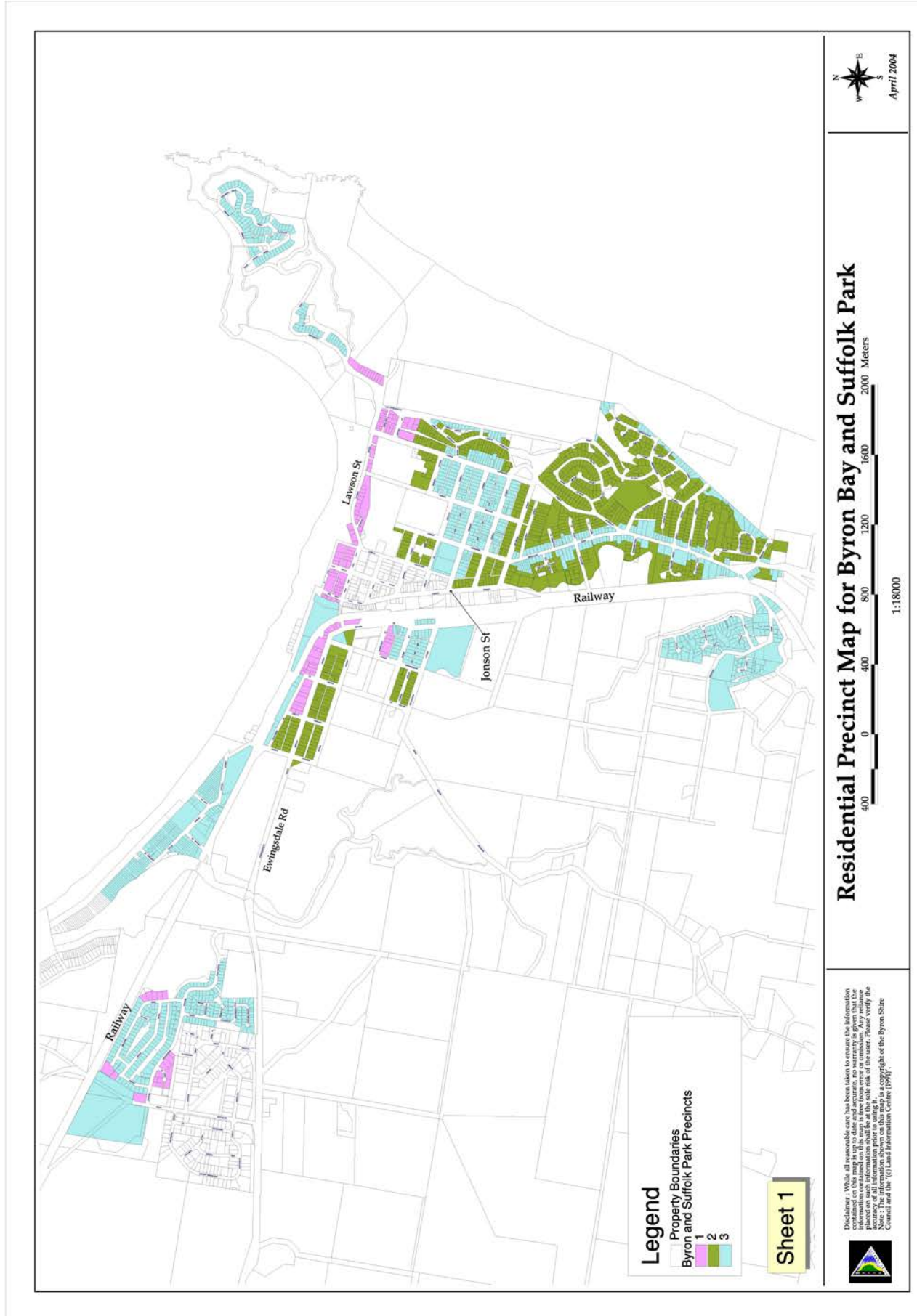
Precinct	Dwelling ^(D) Size ^(D)	Minimum Site Area ^(D) per Dwelling ^(D)
Precinct 2	N/A	400 m ²
Precinct 3	N/A	400 m ² for up to 2 dwellings ^(D) 600 m ² for more than 2 dwellings ^(D)

However whether this theoretical maximum can be achieved on a specific site^(D) will depend on the site's^(D) shape and topography, and compliance with other requirements of this DCP.

Note: Not all land uses are permissible in all zones. Please refer to Byron LEP 1988 land use tables and special provisions.

Where sewerage services are to be provided via an on-site sewage management system the pervious area required to be set aside for the satisfactory operation of that system (including areas for treatment and disposal, and for buffers to them) must not be included in the site area used in the above density calculations but must be an additional site area to that which would be otherwise required.

Residential Precinct Map – Byron Bay



Residential Precinct Map – Suffolk Park



Note: ^(D) = definition included in Chapter 1 Part A7 of this DCP

C7.3 Element – Private Open Space Courtyards

Element Objective

To ensure that residents have access to private, useable, landscaped open space.

Performance Criteria

Open space courtyards must be provided, with dimensions to suit the projected requirements of the residents and to accommodate outdoor recreation needs.

Courtyards must be capable of enabling an extension of the living area of the dwelling^(D).

Location of courtyards must take account of outlook and natural features of the site^(D) without impacting on neighbouring buildings or open space.

Orientation and shading of courtyards must provide for maximum year round use in terms of sunlight.

Prescriptive measures

Each dwelling^(D) will have access to an individual courtyard at natural ground level having a minimum area of 30 m² and a minimum length and width each of 4 metres, not including any area used exclusively for the circulation or parking of vehicles. The courtyard must be landscaped to Council's satisfaction.

C7.4 Element – Open Space Balcony

Element Objective

To ensure that residents of above-ground residences have immediate access to outdoor private open space.

Performance Criteria

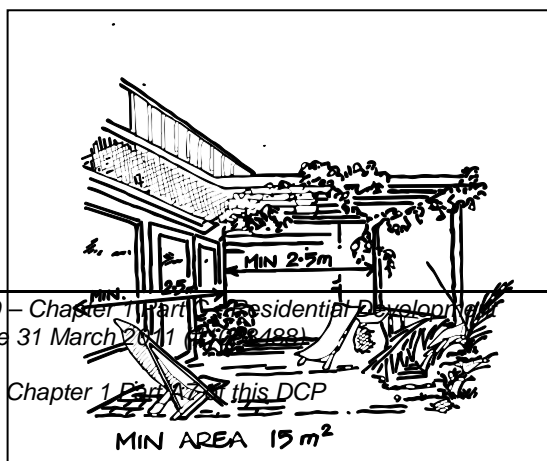
Where dwellings^(D) are situated or have access entirely above the ground level of the development, Council may consent to the provision of private open space by a balcony^(D) which is of sufficient size and which is located so as to provide a suitable private outdoor area to Council's satisfaction.

Prescriptive Measures

This provision is only activated when it is not possible to allocate private space at ground level.

A private open space balcony^(D) must have a minimum area of 15 m² and a minimum length and width of 2.5 metres each. A private open space balcony^(D) must be demonstrated to have appropriate orientation and adequate provision for winter sun and summer shade.

Balconies and/or eaves may overhang minimum length or width dimensions of private courtyards or private open space balconies, subject to compliance with the building height plane^(D), where adequate access to winter sun and summer shade is demonstrated to Council's satisfaction.



Development Control Plan 2010 – Chapter 1 Part 1 Residential Development
Adopted 3 March 2011 Effective 31 March 2011 (2011/199)

Note: ^(D) = definition included in Chapter 1 Part 1 of this DCP

C7.5 Element – Landscaped Area

Element Objective

To provide attractive landscapes that reinforce the function of the street, enhance the amenity of dwellings^(D) and the built environment, and allow preservation of significant vegetation.

Performance Criteria

Landscaped areas^(D) and landscaping must be considered as components of the site^(D) planning process and must reflect the scale of development.

Landscaping must complement existing streetscapes, urban landscape, bushland and be in scale with the height^(D) of buildings. Landscaping must be sensitive to site^(D) attributes such as existing landscape features, streetscape, land capability, micro-climate, views and vistas.

Development must be designed to maximise the number of trees retained on the site^(D).

Prescriptive Measures

The common landscaped area^(D) of the site^(D) must be not less than the total of the areas required for each dwelling^(D) unit, calculated from the following table, less the total of the areas of approved private courtyards and approved private open space balconies in accordance with clauses C7.2 and C7.3.

Dwelling ^(D) size	Landscaped area ^(D)
Small (under 55 m ² in floor plan area ^(D))	50 m ²
Medium (55-85 m ² in floor plan area ^(D))	70 m ²
Large (over 85 m ² in floor plan area ^(D))	90 m ²

A minimum of 75% of the total common landscaped area^(D) of the site^(D) must be of an absorbent finish such as grass, gardens or like material. Areas of landscaping over underground carparks, and the like, can not be included in the area of absorbent finish.

Particular consideration will be given to:

- the retention and provision of appropriate trees on the site^(D)
- the use of earth mounding and terraced areas to create useful and visually pleasing recreation areas and to assist screening
- the orientation of landscape areas with regard to sunlight and prevailing winds
- the provision of sufficient areas adequately shaded against the summer sun and giving adequate access to the winter sun
- any other matters contained in Chapter 1 Part H - Landscape

C7.6 Element – On-Site Parking

Element Objectives

- To provide sufficient convenient parking for residents and visitors;
- To maintain the amenity of adjoining properties and the efficiency of the road network by providing for car parking on-site; and
- to ensure that vehicle access to and from development is safe, effective and enhances visual amenity.

Performance Criteria

Driveway design must provide safe and efficient ingress/egress to the site^(D).

Resident and visitor car parking must be provided according to projected needs.

The design of driveways and parking areas must minimise the visual impact of hard paved areas and incorporate curves.

Prescriptive measures

Refer to Chapter 1 Part G - Vehicle Circulation and Parking for detailed provisions regarding vehicle access, numbers, dimensions and layout of car parking spaces. Large areas of car parking will be broken up by landscaping, mounding or other means to Council's satisfaction.

C7.7 Element – Sound Proofing

Element Objective

To ensure an adequate acoustic environment for residents.

Performance Criteria

Development must be designed to provide a reasonable acoustic environment within dwellings^(D) and minimise the possibility of noise to the occupants of surrounding dwellings^(D).

Sources of noise, where practicable, must be sited away from adjoining properties and where necessary, be screened by acoustical treatments.

Development must be designed to minimise noise and vibration impacts on occupants of surrounding dwellings^(D) or buildings.

Prescriptive measures

Division walls between dwellings^(D) must be of sound resisting construction to Council's satisfaction.

The floors in single storey^(D) residential flat buildings or group dwelling^(D) development consisting of attached dwellings^(D) must be so constructed or treated as to minimise the conduct of sound between dwellings^(D).

C7.8 Element – Clothes Drying Facilities

Element Objective

To ensure adequate, effective space is provided for clothes drying.

Performance Criteria

Outdoor clothes drying facilities must be provided to meet projected needs and located to facilitate privacy and sunlight access.

Prescriptive measures

The minimum provision of clothes drying facilities per dwelling^(D) must be at the rate of 7.5 metres of line per dwelling^(D) in suitably screened external drying areas having a minimum area of 6 m².

C7.9 Element - Garbage

Element Objective

To facilitate the storage and collection of garbage and recyclable products.

Performance Criteria

Garbage and recyclable storage and collections facilities must be provided to meet residents' needs and collections service requirements.

Prescriptive measures

Garbage enclosures must be provided to accommodate a minimum of one 240 litre “wheelie bin” per dwelling^(D).

Garbage enclosures must have a concrete base and be enclosed with approved materials providing adequate side and top screening, protection from scavenging animals, and visual integration with buildings and landscape treatment.

Garbage enclosures are to be located so as to facilitate ease of use (including access to the point of garbage collection) and to minimise nuisance. Adequate lighting is to be provided.

C7.10 Element – Equity of Access and Mobility**Element Objective**

To ensure equity of access and mobility to all members of the community.

Performance Criteria

Developments must be designed to facilitate access and mobility by all members of the community.

Prescriptive measures***Adaptable Housing:***

In developments containing 10 or more dwellings^(D), a minimum of one adaptable dwelling^(D), designed in accordance with AS4299, must be provided for every 10 dwellings^(D) or part thereof.

General Access Requirements:

Access is to be provided in accordance with the Building Code of Australia and AS1428.2. A “continuous accessible path of travel” must be provided.

Appropriate access for all persons through the principal entrance of a building must be provided.

Parking:

For every adaptable dwelling^(D) at least one of the parking spaces required under Chapter 1Part G must be designed in accordance with AS2890 Part 1.

In addition to the above, one visitor parking space designed in accordance with AS2890 Part 1 must also be provided for every 100 parking spaces or part thereof, in developments containing adaptable dwellings^(D).

Refer to Chapter 1Part G of this DCP for further guidance in designing accessible parking.

C7.11 Element – Pipes and Vents**Element Objective**

To minimise visual impacts.

Performance Criteria

External pipes and vents must be concealed.

Prescriptive measures

All service pipes and vents must be concealed within the walls of residential flat buildings and group dwelling^(D) developments. Access must be provided as required by the relevant

authorities. However, provision of recessed service pipes in external walls may be acceptable subject to individual assessment.

C7.12 Element –TV Antennas

Element Objective

To minimise visual impacts and ensure the availability of television reception antennae and dishes.

Performance Criteria

Common Television antennae and/or dishes must be provided to meet the expected needs of residents.

Prescriptive measures

Each residential flat building will be provided with a common television antenna and/or dish system.

C8. TOURISM DEVELOPMENT

For tourism development the minimum site area^(D) is 1200 m² and the minimum street frontage is 25 metres. (See Clause C3.5)

C8.1 Element – Tourism Development in Byron Shire

Element Objective

To enable the development of a diverse tourism industry which complements the natural, social and built environment so as to strengthen the local economic base of the Shire.

Performance Criteria

Council supports low-rise, family-oriented, low-key development in harmony with the natural environment. Council encourages appropriate development for tourism purposes, where permissible, which is in accordance with this criteria

For this reason, particular consideration will be given to the appropriateness of the scale of any proposed tourism development, to ensure that such development enhances its surroundings, both natural and built, and that such development makes a positive contribution to the Shire, in visual, social and environmental terms.

Council has adopted the tourism strategy outlined in the publication 'Keeping Byron Unique' and this is reflected in the Local Environmental Plan, which permits a variety of tourism accommodation forms in rural areas. Council has also adopted the Byron Rural Settlement Strategy 1998 which contains Rural Tourism Best Practice Guidelines and identifies lands suitable for holiday cabin^(D) development.

Prescriptive measures

Where tourism development is proposed in the form of a medium density development^(D), residential flat building or a group dwelling^(D) development, applicants must refer to the general provisions set out in Sections C1 and C2 of this Chapter and to Section C7 - Medium Density, in particular. For other forms of tourism development such as motels^(D), hostels^(D), cabins, caravan parks^(D) and camping grounds, the provisions of Sections C9 and C10 apply.

C9. MOTELS, HOSTELS AND HOLIDAY CABINS

The development of motels^(D), holiday cabins^(D) and hostels^(D) represents an important part of the provision of low-key tourist accommodation within the Shire. Council recognises that there is some flexibility in these forms of tourist development which may result in some similar characteristics. Thus a motel^(D) may consist of a grouping of cabins rather than a single building containing attached motel^(D) units, and this may be a more appropriate building form in many areas of the Shire, particularly in rural areas. Therefore controls are flexibly designed to accommodate various and innovative building forms for this type of tourist development.

This section outlines the controls applicable specifically to motel^(D), hostel^(D) and holiday cabin^(D) development. It must be read in conjunction with the general provisions set out in Chapter 1- Sections C1 and C2 of this Development Control Plan.

For motels^(D), holiday cabins^(D) and hostels^(D) the minimum site area^(D) is 1200 m² and the minimum street frontage is 25 metres. (See Clause C3.5)

C9.1 Element – Density Control

Element Objective

To ensure compatibility with the natural, social and built environmental character of Byron Shire.

Performance Criteria

The density and character of tourism accommodation development must be consistent with the planned character of the locality and with the character and attributes of Byron Shire.

Prescriptive Measures

A motel^(D), holiday cabin^(D) development or hostel^(D) must have a floor space ratio^(D) no greater than 1.2:1.

C9.2 Element – Equity of Access And Mobility

Element Objective

To ensure equity of access and mobility to all members of the community.

Performance Criteria

Developments must be designed to facilitate access and mobility by all members of the community.

Prescriptive Measures

Adaptable Housing

Sanitary Facilities are to be provided in accordance with AS1428.

Sole Occupancy Units and Holiday Cabins

1 unit must be fully accessible per 10 units. A minimum of 1 unit must be so accessible in each development.

Places of shared accommodation, eg backpackers' accommodation, boarding-houses^(D)

A minimum of 1 bed must be provided for people with access disabilities for the accommodation of up to 10 persons. A further bed must be provided for every extra 10 persons, with a minimum of 2 accessible rooms for over 20 persons.

Sanitary facilities must be provided in accordance with AS1428.

General Access Requirements

Access must be provided in accordance with AS1428.2.
(Including access to any laundry, kitchen, sanitary and common facilities).

Parking

One car parking space per 100 car parking spaces must be provided for visitor parking, and designed in accordance with AS 2890 Part 1.

Refer to Chapter 1 Part G of this DCP for further guidance in designing accessible car parking.

C9.3 Element – Character of Motel Units and Cabins**Element Objective**

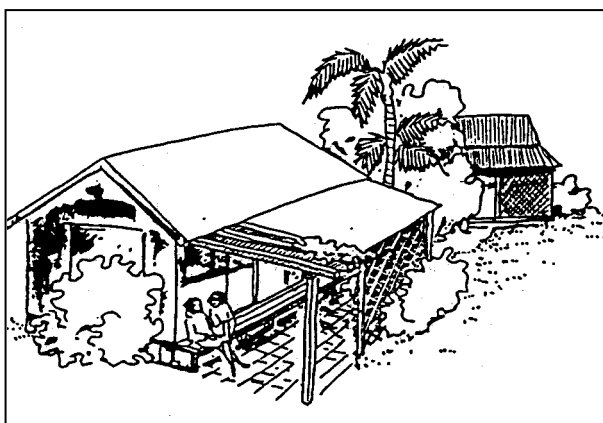
To ensure that all accommodation units contain adequate facilities and provide an adequate living and recreational environment for guests.

Performance Criteria

Motel units^(D) and holiday cabins^(D) must provide self contained eating and living areas and outdoor recreation/ living areas with access to winter sun and summer shade.

Prescriptive Measures

Each motel unit^(D) or holiday cabin^(D) must contain eating and living areas adequate for the proposed number of occupants.



Each motel unit^(D) or holiday cabin^(D) must have access to an outdoor sitting area adequate for the proposed number of occupants, which must be adjacent to the unit's or cabin's living area and which must provide adequate access to winter sun and summer shade. This outdoor area may form part of common access balconies.

C9.4 Element – Character of Hostels^(D)**Element Objective**

To ensure that all accommodation units contain adequate facilities and provide an adequate living and recreational environment for guests.

Performance Criteria

Council requires that hostel^(D) accommodation be of a design quality, and provides a level of amenity to occupants, which is equivalent to that generally available in other forms of tourist accommodation in the Shire.

Prescriptive Measures

Each hostel^(D) bedroom or dormitory must have access to an outdoor sitting area adequate for the proposed number of occupants, which must be adjacent to the bedroom

or dormitory and which must provide adequate access to winter sun and summer shade. This outdoor area may, where Council considers it appropriate, form part of common access balconies.

C9.5 Element – On-Site Car Parking

Element Objective

To ensure provision of safe, accessible on site parking.

Performance Criteria

Refer to Chapter 1 Part G.

Prescriptive Measures

Refer to Chapter 1Part G.

C9.6 Element – Landscaped Area

Element Objective

To provide attractive landscapes that enhance the amenity of the natural and built environment, and allow preservation of significant vegetation.

Performance Criteria

Landscaping must be considered as a component of the site^(D) planning process, reflect the scale of development and meet the expected outdoor recreation needs of users.

Landscaping must complement existing streetscapes, urban landscape, bushland and be in scale with the height^(D) of buildings.

Landscaping must be sensitive to site^(D) attributes such as existing landscape features, streetscape, land capability, micro-climate, views and vistas.

Development must be designed to maximise the number of trees retained on the site^(D).

Prescriptive Measures

Motels and holiday cabins:

The provisions of clause C7.3 must apply, except that the landscaped area^(D) of the site^(D) available for common use must be not less than the total of the areas required for each motel unit^(D) or holiday cabin^(D), calculated from the following table:

Unit or cabin size	Landscaped area ^(D)
small (under 20 m ²)	20 m ²
medium (20-30 m ²)	25 m ²
large (over 30 m ²)	30 m ²

Hostels:

The provisions of clause C7.3 must apply, except that the landscaped area^(D) of the site^(D) available for common use will be not less than 8 m² for each bed contained in the hostel^(D).

For motels^(D), holiday cabins^(D) and hostels^(D) a minimum of 75% of the total common landscaped area^(D) of the site^(D) must be of an absorbent finish such as grass, gardens or like material. Areas of landscaping over underground car parks, and the like, can not be included in the area of absorbent finish. See changes in Chapter 1Part H4.4

C9.7 Element – Garbage**Element Objective**

To facilitate the storage and collection of garbage and recyclable products.

Performance Criteria

Garbage and recyclable storage and collections facilities must be provided to meet residents' needs and collections service requirements.

Prescriptive Measures

The provisions of clause C7.7 must apply, except that garbage stands must be provided to accommodate a minimum of one 240 litre "wheelie bin" per:

- each 3 motel units^(D) or holiday cabins^(D);
- each 5 beds of a hostel^(D);

and one 240 litre "wheelie bin" for a manager's residence.

Alternatively, provision may be made for the provision of bulk bins of equivalent capacity.

C9.8 Element – Vehicle Movements**Element Objective**

To facilitate safe, convenient vehicular access to developments.

Performance Criteria

Development design must facilitate vehicle access to office and reception areas.

Prescriptive Measures

Vehicle driveways must be designed to allow for dual transit adjacent to the office or reception area.

C9.9 Element – Pedestrian Movements**Element Objective**

To provide safe, accessible pedestrian access within developments.

Performance Criteria

Pedestrian access within developments must be designed to optimise pedestrian movement and access, facilitate all weather access and cater for people with access disabilities.

Prescriptive Measures

External pedestrian access between motel units^(D), holiday cabins^(D) and hostel^(D) dormitories and other facilities provided as part of the development, including car parking spaces, must consist of appropriate connecting pathways or access balconies with an all-weather surface, and must form part of, and be integrated with, the overall landscape plan for the development.

Where Council considers it advisable, owing to the particular characteristics of the site^(D) or the siting of buildings relative to each other and to other facilities provided as part of the development, any or all connecting pathways must be covered.

Paths of travel throughout the development (accessible units and common facilities) must be continuous and accessible so as to provide access to people with access disabilities.

C9.10 Element – Sound Proofing

Element Objective

To ensure an adequate acoustic environment for guests.

Performance Criteria

Development must be designed to provide a reasonable acoustic environment within accommodation units and to minimise the possibility of noise to the occupants of surrounding units.

Sources of noise, where practicable, must be sited away from adjoining properties and where necessary, must be screened by acoustical treatments.

Development must be designed to minimise noise and vibration impacts on occupants of surrounding dwellings^(D) or buildings.

Prescriptive Measures

Division walls between attached units, cabins or dormitories must be of sound resisting constructed, with minimum sound transmission loss in accordance with the Building Code of Australia.

The floors in single storey^(D) buildings consisting of attached units or dormitories must be so constructed or treated as to minimise the conduct of sound between units or dormitories. The floors of any motel^(D) or hostel^(D) building consisting of attached units or dormitories must be of reinforced concrete above the first floor.

C9.11 Element – Pipes and Vents

Element Objective

To minimise visual impacts.

Performance Criteria

External pipes and vents must be concealed.

Prescriptive Measures

All service pipes and vents must be concealed within the walls of tourist developments. Access must be provided as required by the relevant authorities. However, provision of recessed service pipes in external walls may be acceptable subject to individual assessment.

C9.12 Element –TV Antennas

Element Objective

To minimise visual impacts and ensure the availability of television reception antennae and dishes.

Performance Criteria

Common Television antennae and/or dish must be provided to meet the expected needs of users.

Prescriptive Measures

The provisions of clause C7.11 must apply with respect to common television antenna and/or dish.

C10. CARAVAN PARKS AND CAMPING GROUNDS

Provisions for the development and operation of caravan parks^(D) and camping grounds are contained in the Local Government Act, 1993 and the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005. These provisions relate to licensing, period of residence, land and site^(D) requirements including setbacks, services, parking and roadways, amenities and other facilities, unregistrable movable dwellings^(D) and other matters. Relocatable Homes are regulated by SEPP 36 - Manufactured Home Estates.

The Local Environmental Plan and this Policy also make provisions regarding the siting and development of caravan parks^(D) in urban areas and primitive camping grounds^(D) within the Shire, with these objectives:

- (a) to ensure that the quality of design and amenity available to long-and short-term occupants is consistent with that available to residents and tourists within the Shire generally;
- (b) to ensure that caravan park^(D) and camping ground development is consistent with Council's adopted principles regarding family-oriented, low-key development in harmony with the natural environment.

C10.1 Element – Lot Size

Element Objective

To ensure that adequate area is available for provision of accommodation, access and facilities whilst maintaining the character of surrounding areas.

Performance Criteria

The area of sites for primitive camping grounds^(D) must be adequate to accommodate the development whilst ensuring minimal disturbance to and compatibility with the surrounding natural environment.

Prescriptive Measures

The minimum allotment^(D) size for a primitive camping ground^(D) must be 5 hectares.

C10.2 Element – Recreation Areas

Element Objective

To ensure the provision of adequate area for open space, recreation and landscaping.

Performance Criteria

Recreation areas must meet relevant statutory requirements and provide for the anticipated recreation needs of the users.

Prescriptive Measures

The following provisions must be achieved:

- (a) 10% of the total area of a caravan park^(D) or camping ground (not being an existing park) must be reserved for recreation and communal activities; and
- (b) the reserved area must not include any site, camp-site, roadway or other area designated for any other purpose, but may be improved by trees or other plants or used, to an approved extent, as the site of a building devoted to recreation or communal activities.

Council may approve a building devoted to recreation or communal activities where:

- (a) the building occupies no more than 10% of the total recreation area;

- (b) it is demonstrated that the proposed activities for which the building is designed are appropriate to the proposed mix of long-term and short-term occupants;
- (c) the building is integrated with the overall landscaping plan for the recreation area.

C10.3 Element – Landscaping

Element Objective

To provide an attractive environment within the development and to protect and enhance the amenity and character of surrounding areas.

Performance Criteria

The area reserved for recreation and communal activities (clause C10.2) must be common landscaped area^(D). Council requires particular attention to be given to landscaping of street frontages and site boundaries, screening of amenities buildings and parking areas, and landscaping to increase the privacy and amenity of occupants. A landscape plan must be prepared for the whole of the proposed site, to address the above specific matters and to enhance climate control and the visual appearance of the development.

Particular consideration will be given to:

- The provision of appropriate trees on the site;
- The retention wherever possible of the existing trees on the site;
- The use of existing topographical features, earth mounding and terrace areas to create useful and visually pleasing recreation areas, and to assist screening where necessary;
- The orientation of recreation areas and landscaped areas^(D) with regard to sunlight and prevailing winds;
- The provision of sufficient areas adequately shaded against the summer sun and allowing adequate penetration of winter sun;
- Any other matters contained in Chapter 1 Part H - Landscape.

Prescriptive Measures

There are no prescriptive measures for this element.

C10.4 Element – Siting

Element Objectives

- *To enable the provision of access to adequate facilities and services for residents and guests;*
- *To minimise environmental impacts and ensure that developments are consistent with the sustainability Aims of Byron LEP 1988; and*
- *To maintain and enhance the visual character of the landscape.*

Performance Criteria

Council will consider carefully the appropriateness of the proposed location of any caravan park^(D) or camping ground, and in this regard applicants are referred to the Department of Environment and Planning Circular No. 108 -"Guidelines for the location of caravan parks^(D) accommodating long-term residents".

The siting principles recommended in the circular are illustrated in the diagram following and include:

- Parks accommodating long-term residents are best located in areas suitable for conventional housing;
- Steep slopes must be avoided because of drainage, slip and bushfire problems and potential damage to the environment;

- Parks must not disturb watercourses and must not be located in low-lying areas with poor drainage or on flood-labile land;
- Existing vegetation must be protected;
- Sites which are difficult to landscape and integrate into the visual environment are unsuitable;
- Site layout and landscaping must break up or conceal the repetitive image of caravans and movable dwellings;
- Climatically or visually exposed sites such as headlands and ridges are unsuitable;
- Location adjacent to incompatible land uses is unacceptable; Sites must not form a barrier to adjacent public lands (eg. foreshore areas);
- Sites with long-term residents must have good access to services.

Prescriptive Measures

There are no prescriptive requirements for this Element.

C10.5 Element – Equity of Access and Mobility

Element Objective

To ensure equity of access and mobility to all members of the community.

Performance Criteria

Developments must be designed to facilitate access and mobility by all members of the community.

Prescriptive Measures

General Access Requirements

Access must be in accordance with AS1428.2 (including access to any laundry, kitchen, sanitary and common facilities, office and public telephone). One (1) on-site caravan (or the like) must be fully accessible per 10 on-site caravans, with a minimum of 1 fully accessible on-site caravans for each development.

Parking

One accessible space must be provided for each accessible on-site caravans in accordance with AS2890 Part 1.

C11. BED AND BREAKFAST ESTABLISHMENTS

C11.1 Element – Development Standards

Element Objective

To provide temporary accommodation in both urban and rural areas for the short-term traveller in a dwelling-house^(D) with “home-style” or “farm-stay” atmosphere.

Performance Criteria

Bed and Breakfast Establishments^(D) must be compatible in scale and character with development in the locality and with the planned character of the area; must offer short term accommodation to guests; must provide services and facilities to meet the needs of resident owner/ operator and guests; and must provide access and facilities for people with access disabilities.

Prescriptive Measures

The Element Objective will be achieved by applications for Bed and Breakfast establishments^(D) addressing the following matters. The development must:

1. contain no more than five (5) bedrooms for guest accommodation; and
2. have a total floor area not exceeding 300m² (excluding separate garages, sheds or the like); and
3. accommodate no more than twelve (12) persons ;and
4. require the owner and/or operator to be a permanent resident; and
5. offer at least breakfast for guests; and
6. provide meals for guests only; and
7. contain no facilities (eg. kitchen, sink and the like) in rooms for the preparation of food by guests; and
8. be consistent with Council’s requirements in relation to kitchen facilities, fire protection, acoustic control, etc; and
9. provide car parking in accordance with Chapter 1Part G of this DCP.
10. in urban areas, submit a Landscape Plan . The objective of this plan is to particularly include suitable screening and planting between the car parking areas and adjoining properties; and
11. in urban areas, have private open space with a minimum landscaped area^(D) of 90m² excluding any area used or vehicle circulation or parking; and
12. in rural areas, the dwelling-house^(D) must be located such that it does not have the capacity to restrict existing nor potential neighbourhood land uses and must not prejudice continuing agricultural activity of close-by and adjoining land.
13. Provide access for persons with access disabilities. In this regard, one room (of a 5 guest room establishment) is to be accessible in accordance with the relevant Australian Standard. Sanitary facilities must be provided for people with disabilities in accordance with AS1428. An exemption from this requirement may be applied for where the proposed development is a change of use of an existing building and would involve:
 - Building a ramp from car parking facilities to the entrance of greater than 14 metres in length
 - A significant change to the character of the building, e.g. heritage
 - Substantial renovation to a sanitary facility where renovation is not otherwise proposed.”

C12. MULTIPLE OCCUPANCY OF RURAL LAND

Element Objectives

- *All Rural Landsharing (Multiple Occupancy^(D)) Communities are designed to promote a sustainable, self-reliant communal living structure while also encouraging the collective repair and enhancement of the natural environment.*
- *To enable people to collectively own a single allotment^(D) of land and use it as their principal place of residence.*
- *To enable the erection of more than one dwelling-houses^(D) on the allotment^(D) and the sharing of facilities and resources to collectively environmentally repair and manage the allotment^(D).*
- *To enable the pooling of resources, particularly where low incomes are involved, to economically develop a wide range of communal rural living opportunities.*
- *To facilitate development in a clustered style which both protects the environment and avoids a demand for the unreasonable or uneconomic provision of services.*
- *To allow a form of closer rural settlement which does not involve subdivision, strata title or any other form of separate land title, and does not involve separate legal rights to parts of the land through other means such as agreements, dealings, company shares, trusts or time-sharing arrangements.*

Performance Criteria:

Rural landsharing developments must be consistent with the aims, principles, guidelines and standards of the Byron Rural Settlement Strategy 1998, and must provide for vehicular access to meet anticipated user needs.

The following performance standards apply (section numbers in the following points refer to Byron Rural Settlement Strategy sections):

- Wastewater Treatment and Management of Effluent (refer section 8.1)
- Environmental Buffers, Repair and Enhancement (refer section 8.2)
- Aesthetic Design/ Scenic Character / Energy efficiency (refer section 8.3)
- Water and Riparian Management (refer section 8.4)
- Bushfire Hazard Mitigation (refer section 8.5)
- Impacts on and Buffers to Agricultural, Horticultural and Extractive Industries (refer section 8.6)

Prescriptive Measures

Byron Council's adopted Rural Settlement Strategy 1998 contains detailed guidelines for the development of rural landsharing (multiple occupancy^(D)) communities. These have been adopted as prescriptive measures for the purpose of this DCP and are:

1. The land comprises a single allotment^(D) having an area of at least 20 hectares in size.
2. The number of dwelling-houses^(D), inclusive of any existing dwelling-houses^(D) on the land will not exceed one (1) dwelling-house^(D) for each three (3) hectares of total allotment^(D) area as long as there is one (1) hectare of developable land per dwelling-house^(D) which is identified through an ecological/physical land capability assessment as being capable and suitable for development as calculated in 6(a) (i) to (xi) below.

3. The minimum number of dwelling-houses^(D) on any single allotment^(D) to be no less than six (6) and the maximum to be no more than fifteen (15), or in the case of land described in Schedule 10, the number of dwelling-houses^(D) indicated in that Schedule.
4. The location of the dwelling-houses^(D), excluding any existing dwelling-house^(D) or dwelling-houses^(D), is in a clustered style. The Council must not grant consent where the proposed development is in a dispersed style. A dispersed style is a style in which the dwelling-houses^(D) are located throughout the developable land resulting in longer than necessary road access arrangements or longer than necessary power supply arrangements or adverse social or environmental impacts.

The clustering of dwelling-houses^(D) is in groups of three (3) or more. Separate clustering must demonstrate that the environmental and social impact or impacts of a number of dwelling-houses^(D) and building clusters is less than a single clustering of dwelling-houses^(D) and buildings. Clustering is defined to be dwelling-houses^(D), tourist cabins, community buildings and any other buildings located within close proximity and easy walking distance to each other.

The distances apart must average 80 metres in a cluster but not exceeding 160 metres between any two dwelling-houses^(D) in a cluster. Further, the distance apart between dwelling-houses^(D) must ensure a high level of social interaction and the development of community as well as relate to physical considerations such as site characteristics, including drainage lines, existing vegetation and accessibility on the land defined as being capable and suitable for development.

5. A Rural Landsharing Management Plan has been prepared to Council's satisfaction and clearly addresses the following issues :
 - a) the degree of recognition and understanding among the community regarding collective land ownership and use of resources;
 - b) the designated theme for the respective Rural Landsharing (Multiple Occupancy^(D)) Community;
 - c) the aims and objectives of the respective Rural Landsharing (Multiple Occupancy^(D)) Community;
 - d) any intentions of the respective Rural Landsharing (Multiple Occupancy^(D)) Community in terms of social cohesion, development of community, cooperation and sharing, development of rural living opportunities, the construction of buildings, the use of land, and any economic or business development or other activities which are intended to take place on the land;
 - e) how ownership 'shares' or an individuals entitlements are to be allocated;
 - f) how shareholders or owners in the Rural Landsharing (Multiple Occupancy^(D)) Community are to reach decisions on matters affecting the Rural Landsharing (Multiple Occupancy^(D)) Community;
 - g) how shareholders or owners can dispose of their interest in the Rural Landsharing (Multiple Occupancy^(D)) Community;
 - h) provisions mediation and dispute resolution provisions;
 - i) the type of behaviour which is permissible on the Rural Landsharing (Multiple Occupancy^(D)) Community in terms of what is acceptable regarding:-

- i) use of the land for housing, commercial agriculture, domestic food production and other purposes,
 - ii) visitors and tourists,
 - iii) noise,
 - iv) use of chemicals,
 - v) keeping of cats, dogs and other animals,
 - vi) lifestyle,
 - vii) Landcare,
 - viii) disposal of sewage,
 - ix) disposal of domestic waste and recycling,
 - x) environmental repair, and
 - xi) any other appropriate matters.
- j) the means proposed for establishing land ownership, dwelling-house^(D) occupancy rights, environmental and community management and the internal enforcement provisions of the Rural Landsharing Management Plan are deemed by the Council to be adequate and workable.
6. An Environmental Impact Assessment Report has been prepared to Council's satisfaction addressing the following matters:
- a) A full description of the development and the existing environment likely to be affected, including a concept plan and land capability and suitability report which identifies land capability and suitability in terms of:
 - i) lands subject to bushfire hazards, flooding, slopes greater than 20 percent,
 - ii) areas of visual significance as seen from outside the subject lands,
 - iii) land slip areas and soil erosion areas,
 - iv) existing and potential extractive resources and buffers,
 - v) prime agricultural lands,
 - vi) vegetation: its plant communities, condition and buffers,
 - vii) flora and fauna habitats,
 - viii) areas for environmental repair and buffer plantings,
 - ix) water sources and quality including watercourses, natural drainage, permanent creeks, streams, wetlands and buffers,
 - x) any nearby land uses, including existing and potential intensive agriculture and horticulture, which may produce a conflict with the proposed use of the subject lands particularly in regard to the location of proposed dwelling-houses^(D) and community buildings and prevailing winds and buffers,
 - xi) identification of previous use and any contaminated soils or filled areas,
 - xii) directions, distances and standard of roads to local shops, halls, schools, parks and community facilities,
 - xiii) school bus services and capacity to meet any likely increase in demand,
 - xiv) internal access roads both existing and proposed,
 - xv) indicative footprints of all proposed and existing dwelling-houses^(D) and other building sites including any holiday cabins^(D) (in lieu of dwelling-houses^(D)), community buildings and sheds together with indicative footprints.
 - b) As a result of the above, an assessment is to be made of the constraints to development so as to identify the area of land in hectares which is capable and suitable for the location of dwelling-houses^(D), any holiday cabins^(D) (in lieu of dwelling-houses^(D)), community buildings and other buildings. It is this

assessed area which is then used to calculate the number of dwelling-houses^(D) or holiday cabins^(D) permitted.

7. The future subdivision, including Community Title, Torrens Title or Strata Title or any other form of separate land title and separate legal rights to parts of the land through other means such as agreements, dealings, company shares, trusts or time sharing arrangements is expressly prohibited.
8. No building within 55 m of an arterial road in accordance with clause 27 of the Byron LEP 1988.
9. Development must not be on or near any ridgeline in accordance with clause 31 of the Byron LEP 1988.
10. Any provision of rural tourist facilities^(D) in relation to cabins is to be according to the following table.

No. of dwelling-houses^(D) permitted according to guidelines:	No. of cabins with each cabin being in lieu of a dwelling-house^(D)
6 to 8	3
9 to 11	4
12 to 13	5
14 to 15	6

11. For the Main Arm Area, prior adequate arrangements must be made to Council's satisfaction for the provision of transport services to schools to meet the estimated additional demand as a result of the development.
12. All internal access roads:
 - a) must have a minimum width of 3.5 metres;
 - b) must be at least gravel paved;
 - c) must not exceed a grade of 20% unless constructed in bitumen or concrete. Concrete strips are preferred;
 - d) must be constructed and drained to provide all weather access;
 - e) to the satisfaction of Council.
13. Access to the site^(D) must be via an existing minor road or country road within a road reserve. A pipe culvert or concrete dish crossing vehicular access from the public road to the property boundary must be constructed to Council's satisfaction.

C13. MIXED RESIDENTIAL/ COMMERCIAL DEVELOPMENT

Mixed Residential/ Commercial development is dealt with in Chapter 1 Part D of this DCP.

C14. STUDIOS**Element Objective**

To allow construction of a detached building ancillary to a dwelling^(D) so as to provide a workspace for activities not generally possible in a dwelling^(D).

Performance Criteria

The proponent must demonstrate that the studio is required to carry out a particular activity that cannot be carried out by its nature within the residential house.

The studio must be located close to the associated dwelling house and must be reliant on the utilisation of the existing services, infrastructure and facilities of that dwelling-house.

Prescriptive Measures

Studios are limited to one per property or, in the case of multiple occupancy^(D), one per dwelling^(D).

A studio must:

- a) not exceed 60m² gross floor area^(D).
- b) not contain internal partitions other than those necessary for ablution facilities or demonstrably required for the use of the studio (e.g. photography darkroom).
- c) not contain a kitchen nor be capable of separate habitation.
- d) not be used for separate habitation.
- e) be located not greater than 100m from outside wall of the main part of the dwelling house
- f) not require construction of any additional vehicular access roads, electricity services, separate on-site sewage management systems or clearing of vegetation.

C15. ENERGY EFFICIENT HOUSING

C15.1 Introduction

What development does this Section apply to?

This Section of the DCP applies to all development applications for residential development in Byron Shire, including:

- Dwellings^(D), Dwelling-Houses^(D) and Expanded Houses^(D);
- Bed and Breakfast Establishments^(D);
- Dual occupancies;
- Residential flat buildings and Group Dwelling^(D) Developments, including those used for tourist accommodation;
- Holiday Cabins^(D);
- Alterations and additions to the above development (which involve a floor area greater than 50% of the existing internal floor area – excluding garages).

What does 'Energy Smart' mean?

Energy efficient homes are homes that, through their design and construction, maximise the use of renewable energy sources (such as sunshine), and use less energy. They are 'smart' because they simultaneously help preserve scarce resources, reduce the level of greenhouse gas emissions, and provide significant savings for home occupiers.

This is supported by a study conducted by the Australian Consumers Association (July 1997) which estimated that an energy efficient home is almost \$1,000 a year cheaper to run than an average new home.

An energy smart dwelling^(D) incorporates passive solar design principles to minimise household energy needs. These principles apply to services such as lighting, hot water, heating in winter and cooling in summer. Passive solar design principles minimise energy use by combining and balancing the effects of building design, orientation, shading, insulation, thermal mass, ventilation and landscaping to create comfortable internal living spaces. Where the optimum use of passive solar design principles cannot be achieved due to existing physical conditions, this DCP seeks to ensure that energy efficiency is maintained where possible.

Why include Energy Smart Homes in this DCP?

This Section of the DCP has been developed in response to the growing community desire to achieve greater efficiency in domestic energy use. It stems from a general concern about greenhouse gases generated by energy use, their effect on the environment and, in particular, their contribution to global warming.

The DCP shows how energy efficiency can be achieved in all new residential buildings, including alterations^(D) and additions to existing dwellings^(D). It includes design alternatives - such as passive solar design and solar water heating - that will dramatically reduce the demand for non-renewable energy, thus reducing both costs and air pollution, and increasing the level of comfort in the average Australian home.

What are the Aims and Objectives of this Section of the DCP?

This Section of the DCP aims to provide detailed provisions to ensure that energy efficient residential development occurs within Byron Shire. It further aims to promote and create homes which:

- Use less non-renewable energy;
- Use energy more efficiently;
- Are more comfortable to live in;
- Contribute positively to an overall reduction in greenhouse gas emissions;
- Minimize environmental pollution;

- Cost less to run; and
- Are affordable to purchase.

The objectives of this section of the DCP are to:

- Optimise solar access to residential buildings;
- Improve the quality and energy efficiency of residential buildings; and
- Assist professionals, technicians and trades persons by providing relevant information, and resources in relation to energy efficient design.

How does this Section of the DCP work?

There are four separate components to this Section of the DCP:

- **Section C15.1** provides some general background information and outlines some formal administrative matters.
- **Section C15.2** provides general information regarding what is required to comply with this development control plan. It also outlines the information that needs to be submitted with any development application which is subject to the requirements of Part C15 - Energy Efficient Housing of this DCP. A summary of this information is also provided in Attachment 1 entitled "Attachment for Energy Efficiency Compliance & Exemption."
- **Sections C15.3 to C15.12** provide detailed information on the principles of energy efficiency efficient housing. They include in non-prescriptive information on how to design and construct an energy efficient dwelling^(D).
- **Attachments 1 to 5 inclusive** comprise a number of forms and attachments involved in the implementation of this DCP. They include copies of various check sheets and guidelines which will be of assistance when using this document. These attachments are operational documents that may be changed periodically by Council.

What do terms used in this Section mean?

Ecologically Sustainable Development (ESD) - A commonly accepted definition of ESD in Australia is development which 'uses, conserves and enhances the community's resources so that ecological processes on which life depends are maintained and the total quality of life, now and in the future, can be increased' (ref. *National Strategy for Ecologically Sustainable Development*).

NatHERS - The Nationwide House Energy Rating Software (NatHERS) is a computer simulation tool for rating the thermal performance of houses across Australia. The Energy Management Task Force is responsible for delivering a NatHERS compliance protocol. Any software or paper checklist which passes under this protocol is deemed "NatHERS or equivalent".

North Point - in any discussion relating to orientation of a dwelling^(D) or part thereof, a reference to 'north' is a reference to true solar north and not magnetic, or compass north. True solar north varies from magnetic north depending upon the location. In Byron Shire, true solar north is approximately 12 degrees west of magnetic north.

Passive Solar Energy Systems - means systems which combine the sun's energy with local climate characteristics, to achieve thermal comfort inside buildings without the use of mechanical devices. In a passive system, the building itself is a solar collector, as well as a heat storage and transfer medium.

Solar Collectors - means any building element or appliance specifically designed to capture or collect the sun's rays for the benefit of the occupants eg. windows including clerestory (or highlight) windows, solar hot water collector panels or photovoltaic (solar-electricity) cells/panels.

C15.2 Compliance Requirements

What are the Compliance Requirements?

All new residential development must achieve a **minimum energy rating of 3.5 stars** using an accepted energy rating technique for the proposed developments' **building envelope** and a minimum Greenhouse Gas Rating for the **hot water system of 3.5 stars** OR seek an **exemption** from this requirement

This section of the DCP also requires that applications for alterations and additions to residential buildings **affecting more than 50%** of the existing internal floor space (not including the garage floor space) also need to achieve a minimum energy rating of 3.5 stars using an accepted energy rating technique for the proposed developments' building envelope OR seek an exemption from this provision. **Alterations and additions do not need to meet the requirements for hot water systems.**

Alterations and additions involving **less than 50%** of the existing internal floor space (not including the garage floor space) do not need to meet the requirements for either the proposed developments' building envelope or hot water system.

What are the Approved Energy Rating Techniques for Building Envelopes?

There are three energy-rating techniques that are approved as part of this DCP. These are as follows:

1. **Deemed to Comply Certificate**. This Certificate is the simplest method of demonstrating that a dwelling^(D) embraces the basic principles of the Energy Smart Home. By complying with ALL sections of the Certificate, Byron Shire Council deems that the intent of its Energy Efficient Housing DCP has been complied with. A copy of the Deemed to Comply Certificate can be found at attachment 2 to this section of the DCP. NOTE: ALL Sections of the Certificate MUST BE complied with.
2. **Byron Shire Council Energy Rating Scorecard**. This Scorecard itemises each component of the building and provides a point score. The Scorecard is not an exact energy rating technique, however it provides confidence that the home will satisfy the Council's Energy Efficient Housing DCP. A copy of the Energy Rating Scorecard can be found at attachment 3 to this DCP. NOTE: A charge for Scorecard checking may apply.
3. **NatHERS Certificate or other Approved Software**. A range of computer software tools has been developed in Australia to simulate and rank building thermal performance across a wide variety of climatic zones and building types and configurations. NatHERS (or its equivalents — refer to Definitions) is a sophisticated thermal modeling tool designed for use by experienced professionals and industry personnel.

It is not expected nor intended that all applicants will use the NatHERS simulation program. NatHERS certification is only required to be supplied by the applicant under this DCP in the following circumstances:

1. If the application is for multi-dwelling housing. (ie. Three or greater unit/residential flat developments);
2. If an applicant's submitted Energy Smart Scorecard Rating is challenged by Council officers and the applicant disagrees with Council's assessment; or

3. If Council requires it (eg. if the proposed design is particularly complex).

NatHERS certification can be determined by third party Accredited Assessors within the building industry or other appropriately qualified assessors as determined by Council.

What are the Energy Efficiency Ratings for Hot Water Systems?

Table C15.2.1 below, outlines the different energy efficiency ratings for hot water systems;

Type	Star Rating
Solar - Gas Boost	5
Solar - Electric Boost	4
Gas - Instantaneous	4
Gas - Storage	4
Heat Pump – Elect. Storage	4
Electric – Instantaneous	2
Electric – Continuous	1
Electric – Storage	1

Table C15.2.1

In most instances, water heating is the biggest greenhouse gas generator in the home. Table C15.2.1 rates hot water systems in terms of a Greenhouse Gas Rating. A 5 star rating is the most environmentally friendly. Generally, the table shows that gas systems are better than all electric systems, except heat pumps. The most efficient systems are gas-boosted solar heaters.

To increase efficiency, water-heating systems must be positioned close to the major points of use, such as the kitchen. .

What Information do I need to lodge with my Development Application?

Council's development application form sets out the information that needs to be included with all development applications. If your application is for residential development subject to the provision of this part of DCP 2010, you will need to provide the following additional information.

Applications for new residential development

Each application for new residential developments must include information regarding the energy rating for the **building envelope** and a Greenhouse Gas Rating for the **hot water system**. To assist Council in considering your application you will need to lodge the following information with your development application.

1. The Construction Plans for the Development must clearly show the following:
 - North Point (This must be identified as either Magnetic North or True North). .
 - Information regarding the construction materials to be used.
 - Colour of roof and walls (described as light, medium or dark) eg. Light colours: cream or , beige, l. Medium colours: greens, greys, apricot. Dark colours: charcoals, deep greys, deep greens, deep red, dark blues.
 - The type and location (walls, under roof, ceiling, underfloor) of insulation to be used. (including reflective foil).

- Any variations to glazing such as the use of tinted or reflective glass.
 - Floor covering types, if known, and where in the house they will be located. (eg: tiles, carpet, bare timber, etc.).
2. Documentation certifying that the development achieves a minimum energy rating of **3.5 stars** using an accepted energy rating technique for the proposed developments' building envelope.

The following table C15.2.2 outlines the required energy rating techniques available, depending on the type of development proposed.

Development Type	Deemed to Comply Certificate	Scorecard	NatHERS
Single Dwelling ^(D) , Dual Occupancy ^(D) Developments	✓	✓	✓
Residential flat developments containing 3 or more units			✓

Table C15.2.2

3. Documentation certifying that the development achieves a minimum Greenhouse Gas Rating of **3.5 stars** for the proposed developments' **hot water service**. The construction plans for the development must clearly show the location, size and type of the hot water system.

Applications proposing major alterations and additions

If your application proposes alterations and additions to an existing residential building which affect more than 50% of the existing internal floor space (not including the garage floor space), you will need to provide the information outlined in item a and item b, above which relate to the building envelope. You will not, however need to provide information regarding the hot water service as outlined in item c.

Applications proposing minor alterations and additions

If your application proposes alterations and additions to an existing residential building which affect less than 50% of the existing internal floor space (not including the garage floor space) you do not need to meet the requirements of this part of the DCP.

Are There Any Exemptions to this DCP?

There are a number of circumstances where you may apply for an exemption to the requirements of this part of the DCP with respect to both the building envelope and hot water system. These circumstances are documented below.

1. Building Envelope -

There are seven (7) conditions under which an exemption can be claimed from the minimum energy performance requirements for the building envelope of dwelling-houses^(D) and multi-dwelling housing. Where one or more of the conditions apply, approval is subject to merit assessment by Council. Compliance with those elements that can be reasonably complied with will still be required.

Exemption conditions:

- a) Novel construction – where the prescribed assessment techniques do not address or reliably assess the performance of the construction being adopted and there are prima facie grounds for believing the prescribed techniques significantly underestimate the building envelopes performance.

- b) Conflicting Guidelines – existing lease and development conditions, Australian Standards or any Policy or Guidelines that Council determines will have priority over this Plan, eg: heritage requirements, which preclude the attainment of the minimum rating requirements.
- c) Adverse impact on material amenity of adjoining land and buildings.
- d) Non-consistent or invalid results from approved computer software tools.
- e) Block orientation, geometry or topography constraints which significantly restrict the development.
- f) Existing overshadowing of the development site^(D).
- g) Uneconomic evaluation – where it can be shown that the attainment of the 3.5 star rating would require additional expenditure which is not cost effective within a ten (10) year period. Further details regarding this matter, including application forms for exemption, can be found in attachment 4 to this DCP.

2. Hot Water Systems -

If the cost of a non-complying hot water system (ie: electric hot water systems) can be shown to be less costly, over a 7-year period, then Council may exempt the application from the requirements of this part of the DCP. The cost comparison must be performed between the desired form of electric water heating and a complying type of hot water system. Further details regarding this matter, including application forms for exemption, can be found in attachment 5 to this part of the DCP.

C15.3 Building Principles

Orientation and Solar Access

Background Principles

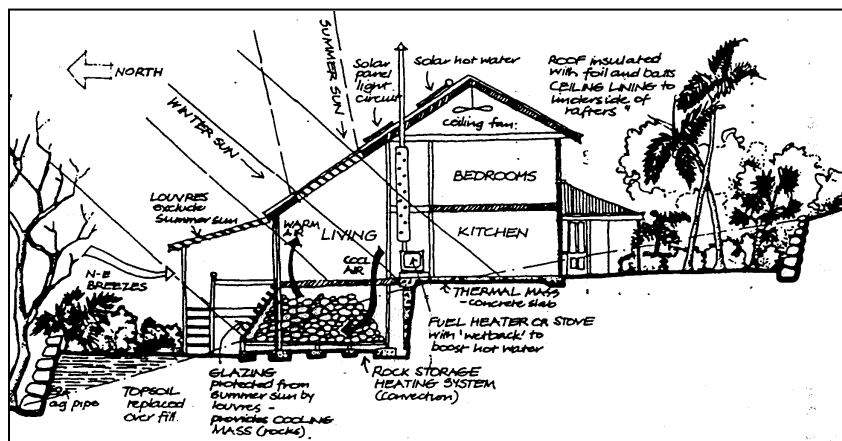
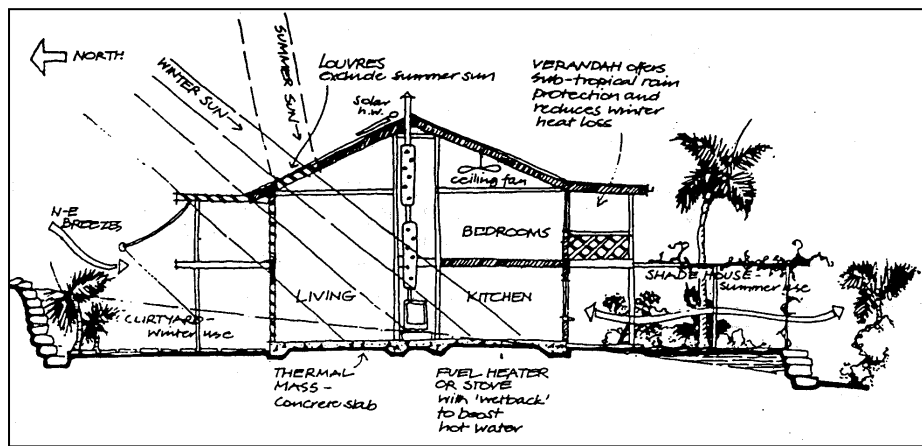
Solar access is the term applied to the ability of a solar collector that is part of or situated on a dwelling^(D) or lot (including open space and clothes drying area) to capture sunlight and take advantage of that energy to a reasonable level.

Design for solar access can begin with the design of a subdivision, but it may also relate to a rooftop solar hot water system panel, or might involve preserving sunlight for the northern windows of a dwelling^(D). If residential lots have been designed to maximise solar access, energy efficiency is much easier to achieve in the design of subsequent residential buildings.

Conflicts can arise in already developed areas, where tall buildings exist or are planned, or where trees block solar access. Situations such as these will require careful consideration.

Solar access is at its lowest level on the mid-winter solstice, 21 June. Shadow diagrams for the winter solstice at 9am, 12 noon and 3pm may be required by Council for certain developments that have the potential to significantly impact on the solar access of an adjoining property. This is particularly relevant for dwellings^(D) comprising two or more storeys^(D).

Passive solar design maximises solar access to north facing solar collectors. For maximum effect, solar collectors should face between 30° east and 20° west of true solar north. The 20° west and 30° east range for 'north-facing' elements represents the limits to energy efficient orientation.



Orientation Objectives

- To preserve solar access to north facing 'solar collectors' (collectors include windows, photovoltaic cells, solar hot water/air panels, clerestory windows etc.) in all residential development.
- To allow for adequate solar access to private open space and clothes drying facilities in all residential development.
- To maximise the thermal performance, thermal comfort, and energy efficiency of all new and significantly altered residential development.

Preferred Outcomes

- Solar collectors should face between 20° west of north and 30° east of north.
- Step building heights^(D), plans and setbacks to permit solar access requirements.
- Full solar access should be maintained to solar hot water or photovoltaic panels. In the absence of existing solar hot water panels, provision should be made for future installations.
- Position solar collectors in areas where no shadows fall. Two hours of direct sunshine is received by 50% of north facing solar collectors designed/installed under this Plan.
- Where existing constraints exist (eg. adjacent buildings or trees), upgrade the building envelope specifications to offset these disadvantages.
- Dwelling^(D) orientation: Design dwelling^(D) specifically for its site^(D).

Dwelling design for solar access

The following principles apply:

- *.Building setbacks:* Distances between buildings are sufficient to allow solar access to major windows in the dwelling^(D).
- *.Open space:* Sunlight should be available to at least 40% of required private open space for at least two hours.
- *.Adjoining development:* Any new development should not reduce the solar access of solar collector/s of an adjoining property to less than two hours per day in mid-winter except solar hot water panels to which full access must be maintained.
- *.Clothes drying:* Sunlight should be available to a clothes-drying area for at least two hours on June 21.

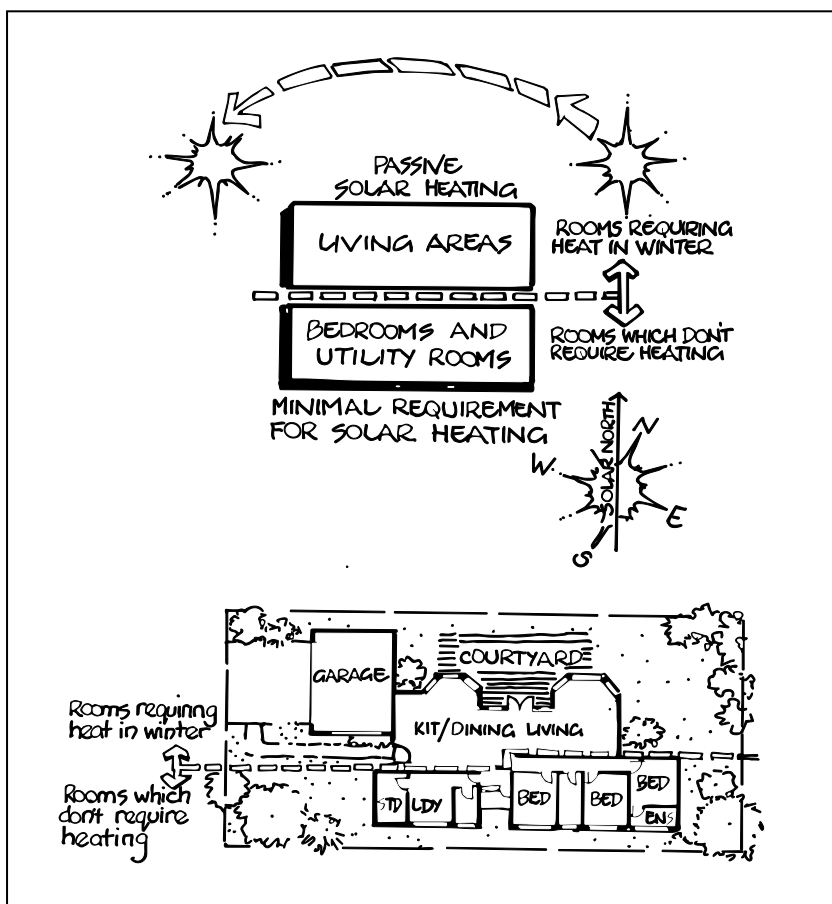
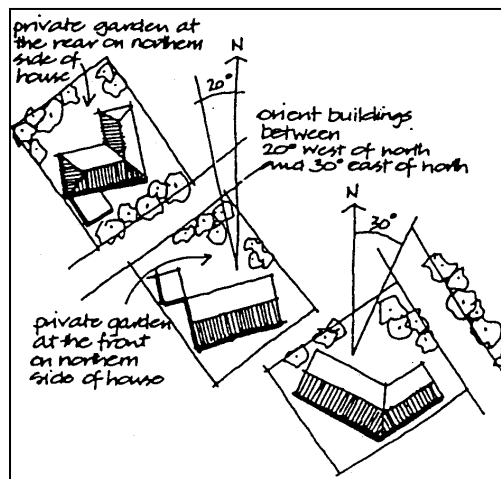


Figure C15.3.1: Dwelling design for solar access

C15.4 Thermal Mass and Building Colour

Background Principles

The term ‘thermal mass’ describes the ability of heavyweight materials to store thermal energy. Using materials with thermal mass in the floor or walls of a building enables those elements in the structure to:

- absorb heat from the sun during the winter day, and release that heat back into the living spaces at night or during cooler periods, producing more comfortable and even temperatures;

Note: ^(D) = definition included in Chapter 1 Part A7 of this DCP

- absorb heat from the building during hot summer days as they have been cooled down via natural ventilation during the previous cooler evening ie. They provide a 'natural air conditioning' effect, resulting in more comfortable and even temperatures.

The colour of building materials affects the microclimate of a dwelling^(D). Generally, dark colours absorb heat and light colours reflect heat.

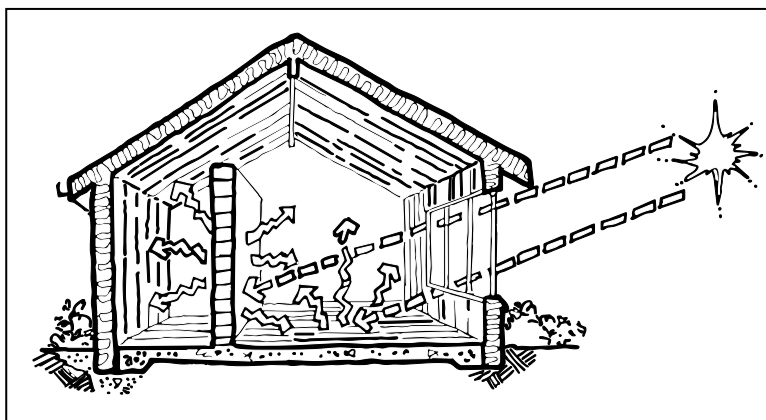


Figure C15.4.1: Thermal mass principles

Thermal Mass Objective

- To use building materials which help to stabilise the temperature of internal living spaces.

Preferred Outcomes

Thermal Mass

- The floor is commonly the most economical place to locate heavy thermal mass materials (eg. concrete slab) and its thermal performance will be best in north facing rooms receiving direct sunlight (see Figure C15.4.1).
- .
- Denser wall materials such as reverse brick veneer, cavity brick, concrete blocks, stone, mud brick, rammed earth and even contained water in walls, are also very useful in providing more comfortable internal room temperatures.
- Where external walls are lightweight and insulated, providing mass in internal walls minimises the daily temperature fluctuations and improves comfort considerably.

Material Colour

- On the north coast of NSW the roof is the dominant heat path. However, wall colour does have some importance. Darker colours, in absorbing more heat all year, have a bigger negative impact on summer comfort than they do a positive impact on winter comfort so are rated accordingly. Generally it can be said that the lighter the colour of roof the better.

C15.5 Shading

Background Principles

Shading elements such as eaves or awnings should be designed relative to the aspect of the windows requiring shade, considering the seasonal variations in the angle of the sun for each location and access to views.

Generally, major windows in dwellings^(D) should be shaded from direct sun during between 9.00 am and 3.00 pm during summer, and insulated with curtains. Shading

elements incorporated into an elevation must be integrated as design elements (see Figure C15.5.1).

Alternatively, high performance glass such as variable transmission glass (glass that only transmits certain wavelengths of light) can be combined with curtains.

Shading Objective

- To reduce the sun's solar heating effect on dwellings^(D), through the provision of suitable shading measures.

Preferred Outcomes

- External shading to north facing windows (see Figure C15.5.1) should provide maximum shading in summer with less shading required in winter. This type of shading can be simply provided by incorporating eave overhangs or fixed awnings designed to meet a 70° (from the horizontal) line drawn from the bottom of the window to the eave.
- Pergolas, verandahs and eaves to the western and eastern aspects should also be designed to maximise summer shade and where possible reduce winter shade, eg, by deciduous climbing vines on pergolas or operable louvres.
- Window shading devices suitable for all windows but particularly westerly and easterly windows include external blinds (fabric and louvre), shutters (both hinged and roller), awnings (both fixed and roller) and close-fitting curtains.

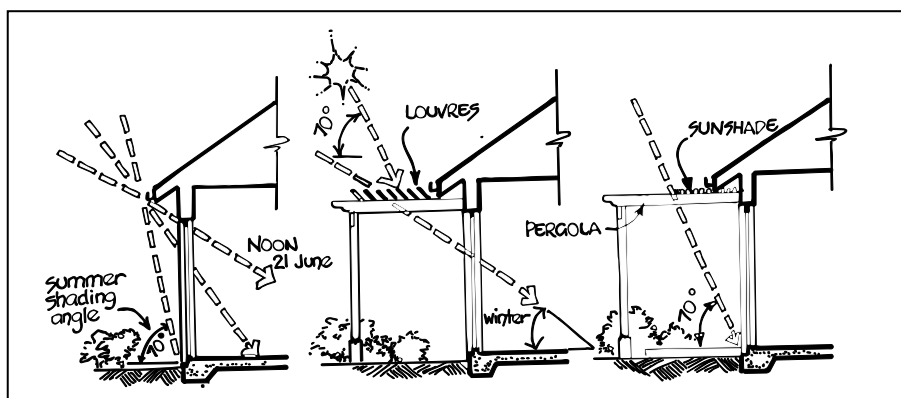


Figure C15.5.1: Window shading principles

C15.6 Ventilation

Background Principles

Natural ventilation is an important design feature for all dwellings^(D) subject to the warm, humid climate of Byron Shire. Natural ventilation is primarily achieved through the appropriate design and location of doors and windows.

Natural cross ventilation is induced by wind motion and is used most effectively during cool conditions in summer. Cross ventilation occurs more efficiently through a room with openings in opposite walls than through a room with openings in adjacent walls. High ceilings are preferable to low ceilings for coolness and ventilation in summer.

Designs should ensure security provisions for windows and doors, while still allowing for cross ventilation during summer. To maintain energy efficiency, winter winds and draughts need to be minimised by the application of seals around all door and window openings. Natural ventilation is preferable for underground car parks in Multi-dwelling housing developments.

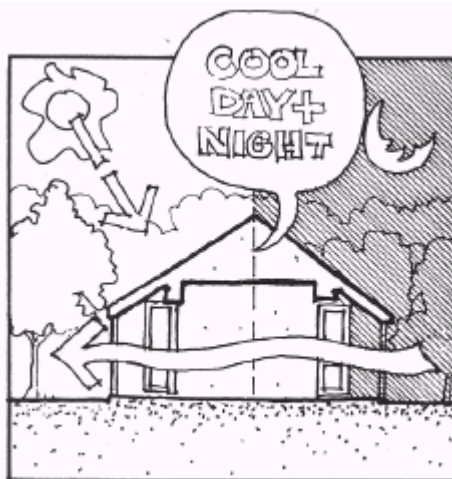


Figure C15.6.1: Ventilation principles. Source: North Coast Design Guidelines

Ventilation Objective

- To ensure that all dwellings^(D) can be adequately ventilated by the appropriate design and location of windows and doors.

Preferred Outcomes

- For summer conditions, a dwelling's^(D) openings should be designed to take advantage of prevailing wind direction; passive solar design not only takes advantage of cooling daytime breezes but depends on cool night-time ventilation to flush out the heat of the day so that the structure is cool for the next day (see Figure C15.6.1).
- The effectiveness of built-in cross ventilation depends on placement of openings to create breeze pathways (or breeze-paths) with minimum obstruction. Openings in a room are best placed in opposite walls to create air movement across the room and maximise the effect in that room.
- Ceiling fans provide assistance to both ventilation and personal cooling in summer.

C15.7 Heating and Cooling

Background Principles

If a dwelling^(D) is designed to optimise its passive solar potential, it is possible to all but eliminate the need for fuel-based space heating or cooling. Heating and cooling systems must target only those spaces which require heating and cooling. Where a heating/cooling system is installed, it must be selected for maximum energy efficiency to ensure the efficient distribution of warm and cool air. The choice of system must be compatible with and integral to the design of the individual dwelling^(D) in question.

Heating and Cooling Objectives

- To encourage dwelling^(D) designs which eliminate or reduce the need for fuel-based heating or cooling.
- To ensure that any mechanical heating or cooling will be energy efficient and minimize generation of greenhouse gases.

Preferred Outcomes

- Where financially feasible, zoned control systems should be employed with programmable thermostats in each zone.
- To maximise energy savings the control system can be employed to regulate the flow of air between zones by adjusting mechanised dampers in ductwork and regulating fan speed according to the number and size of zones being heated or cooled.
- Ductwork should be insulated to at least R1.5 and any refrigerant lines insulated with at least 20mm of foam insulation.

- Energy efficient or renewable energy space heating and cooling systems are recommended.
- If timber is chosen as a fuel source, it should be burned in high efficiency heaters (and preferably sourced from sustainable sources).
- In winter, it is important to be able to close off areas, so that only those areas which need heating are heated.

C15.8 Insulation

Background Principles

Insulation is an important component of energy efficient dwelling^(D) design, helping to eliminate or drastically reduce the need for mechanical heating and cooling systems, as well as enhancing the efficiency of any such systems. Insulation materials should be selected for the particular situation for which it is required ie. whether the insulation is being used for walls, floor, roof, or some other purpose.

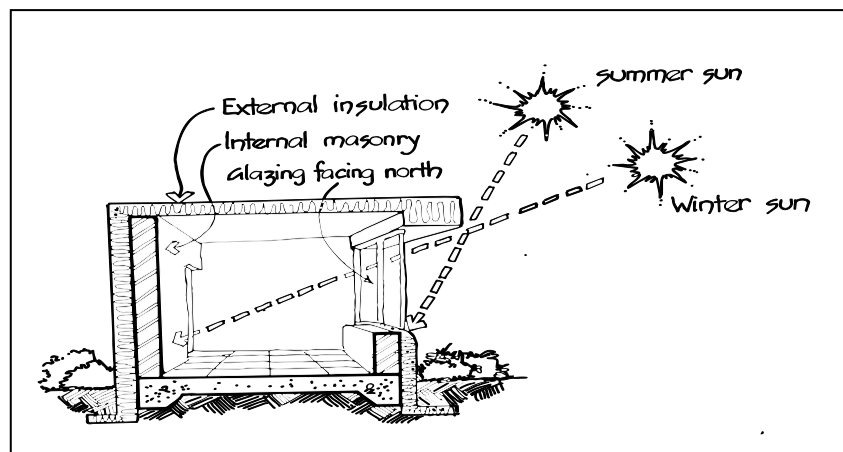


Figure C15.8.1: Insulation principles

Insulation in buildings should meet the levels specified in AS2627.1, 1993. The performance of insulation materials should meet the requirements specified in the appropriate Australian Standard for the material. In the case of synthetic mineral fibres (fibreglass and mineral wool) the applicable standard is AS3742. The performance of other insulation materials should be demonstrated by a NATA (National Association of Testing Authorities) registered laboratory and field studies to at least compare with the thermal performance of materials included in AS3742. Testing of individual insulations is to comply with AS2464. The installation of all insulation materials is to comply with AS3999 for bulk insulations or AS4200.2, 1994 for pliable building membranes.

Insulation Objective

To provide appropriate insulation measures to dwellings^(D) to reduce the need for artificial heating and cooling systems.

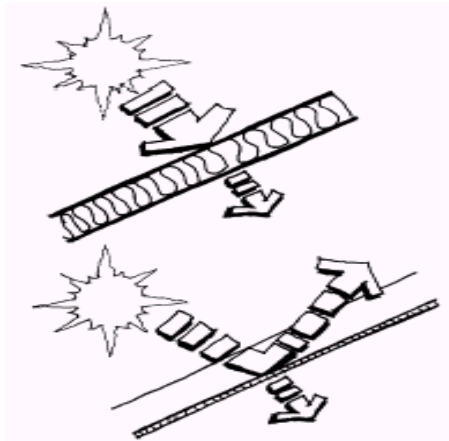


Figure C15.8.2: Insulation components

Top: Bulk insulation for roof and wall - Bottom: Reflective insulation in roof

Preferred Outcomes

Floors

Floors in contact with the ground are said to be thermally most efficient. Suspended floors, particularly of timber or sheet materials will benefit from enclosing the underfloor area and minimizing the air movement.

Walls

Generally the energy efficiency of all framed wall types will be assisted by using a minimum of reflective foil insulation.

Roof

- Metal deck roofing must use the foil backed bulk-insulating blanket;
- Tiled roofs greatly benefit from using reflective sarking.

Ceiling

The recommended level of bulk insulation to be installed in ceilings in the Byron Shire area is R2.5. However a rating of R1.5 may well be adequate subject to the other features of the home design.

Windows

Windows should preferably be minimized on the western walls. If they are necessary, consideration should be given to tinted glazing or external awnings, pergolas or landscape design that would shield them from direct sunlight. For homes with small floor areas, the amount of windows used becomes very important and, as a general principle, small floor areas should use less glass.

C15.9 Lighting

Background Principles

A dwelling^(D) should be designed to maximise availability of natural light without creating major heat gain or heat loss pathways. Preferably artificial lighting should not be necessary for general activities in a room during daylight hours.

A room should be lit according to its purpose. For example, a kitchen or family room requires an even spread of bright lighting. Other rooms such as living rooms require a mix of general and task lighting options. Layout of energy efficient lamps, fittings and switches in such rooms should allow several possibilities for lighting the room, such as low background lighting, supplemented by task or effect lighting for use as required. Separate switches could be used for special purpose lighting.

Lighting for common areas, car parks and stairwells in medium density developments^(D) should be energy efficient and should be time switched or motion sensitive. Consideration should be given to the use of solar powered external lighting.

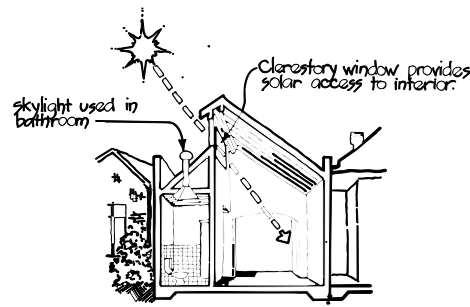


Figure C15.9.1: Lighting for dwellings with limited solar access

Lighting Objectives

- To encourage maximum use of natural light inside dwellings^(D).
- To minimise energy use for lighting.

Preferred Outcomes

Artificial Lighting

- Dwellings^(D) to be designed such that artificial light is unnecessary during daylight hours.
- Light switches should be located at main exits, to encourage the switching off lights when leaving rooms.
- Motion-detectors should be used for externally lighting doorways and entrances, or for outdoor security lighting.
- Dimmer switches should be used where practicable to provide flexibility in lighting levels.
- Fittings with high efficiency reflectors suitable for compact fluorescent lamps or fluorescent tubes should be used (these consume up to four times less electricity than standard incandescent light bulbs to provide the same level of light, and last up to eight times longer than incandescent bulbs).

Skylights and daylighting

Appropriate design of clerestory windows, including summer shading.

C15.10 Domestic Appliances

Background Principles

Domestic energy consumption is not only a function of the design, orientation and construction of a dwelling^(D). It is also a function of the choice of appliances used in a home for heating, lighting, cooling, refrigeration, cooking, washing/drying clothes and washing dishes. Therefore, improvements in energy efficiency can be made by installing energy efficient appliances.

Appliances Objectives

- To encourage the installation of energy efficient appliances that minimise the need for greenhouse gas generation.
- To maximise opportunities for use of solar energy for clothes drying

Preferred Outcomes

- Domestic appliances with maximum energy efficiency should be installed. Use appliances with as high a star rating as practically possible. In particular clothes dryers should wherever possible have a minimum rating of 3.5 stars and should have direct ventilation to outside.

- Thermostats are desirable with all central heating and cooling systems.
- All dwellings^(D) should preferably have access to an outdoor clothesline, located in a sunny position, .

C15.11 Swimming Pools

Background Principles

Many homes in the Byron Shire have outdoor heated pools which consume energy and, like domestic appliances, should be managed effectively to ensure energy efficiency. Not only should the appropriate heat source be chosen, but also the use of pool blankets should be considered.

Swimming Pools Objectives

To encourage the installation of energy efficient swimming pool heating and the use of pool insulating blankets that minimise the need for greenhouse gas generation.

Preferred Outcomes

- Swimming pools should be insulated to reduce the amount of energy needed to maintain water temperature and reduce heat losses.
- Heated pools and spas should rely greenhouse gas efficient systems for water heating.

C15.12 Landscaping For Energy Efficiency

Background Principles

Streets and public spaces in a subdivision can be designed to contribute to solar efficiency through the selection and location of suitable trees. Trees provide much needed shading to dwellings^(D), outdoor living areas (including verandahs and gardens) and public footpaths. . Care should be taken to select trees which, when mature, will not unduly the shade solar collectors of adjoining properties. Many of the species native to Byron Shire are ideal shade trees for private gardens.

Trees, shrubs and grasses native to the Shire and region are preferred, as not only do they preserve the region's unique biodiversity, but they also require less maintenance and rely purely on rainfall for their water requirements. A list of such species, together with planting and landscaping principles, is contained in Chapter 1 Part H of this DCP.

Trees can also be used as wind breaks, and many native species are ideal for this purpose, provided that the potential conflicts between plant bulk and solar access are properly managed. Additionally, trees can be used to channel or deflect breezes to suit the required microclimate of a dwelling^(D) and its outdoor living areas.

Appropriate vines and creepers can provide a shading effect if planted in front of windows and verandahs. The process of transpiration, by which leaf moisture is converted to vapour, also provides a beneficial cooling effect in summer.

Landscaping for Energy Efficiency Objectives

- To achieve landscape design that promotes the energy efficiency of individual dwellings^(D).
- To ensure that solar access is maintained to all land and buildings. By assessing which trees are likely to create unwanted shadows as they mature, future conflicts are likely to be prevented.
- To encourage the use of trees native to the Byron Shire region, which reduces the need for water consumption and preserves biodiversity.

Preferred Outcomes

- Street tree species are selected to provide summer shading while not unduly impeding solar access to dwellings^(D) in winter.

- Garden trees are planted or retained so as not to impede solar access to solar collectors.
- Street trees contribute as winter windbreaks.
- Specific areas of a dwelling^(D) are targeted to receive sunlight in winter and shade in summer, through the appropriate location and choice of trees, shrubs, vines, creepers etc.
- Garden landscaping is used to protect against cool winter winds and to channel summer breezes.
- Select plantings with low maintenance and low water consumption. Generally, trees, shrubs and grasses native to Byron Shire should be used.
- Select densely growing species for windbreaks (such as Banksias, Tuckeroos) and plant them along south or west sides of area being protected against the wind.
- Variations in mature heights of different species of trees and shrubs should be taken advantage of for shading walls and windows.
- Consider sheltering outdoor space areas with vegetation. Vegetation can provide strong shadow effects in summer (eg. deciduous vine over a pergola, palm trees in courtyards) and should contribute significantly to comfort levels within a dwelling^(D).

Acknowledgments

Model Energy Smart Homes Policy New South Wales Sustainable Energy Development Authority (SEDA)

Policy development, project management and NatHERS/scorecard correlation's: Greenlight Consortium, comprised of Environs Australia and Manidis Roberts Consultants (Energy and local government consultant: David Baggs FRAIA)

'Solecta' energy checklist (scorecard basis) and NatHERS/scorecard correlation: Australian Institute of Building Surveyors

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Energy Victoria, Solar Access for Lots, Energy Victoria, Melbourne, 1996

Leichhardt Council, Development Control Plan No. 17 Energy Efficient Housing, Leichhardt, NSW, 1994

Manly Council, Development Control Plan for Energy Efficient Buildings, 1998, Manly, NSW, 1998

Sustainable Energy Development Authority (NSW), Energy Smart Homes Model Policy, Sydney, 1998

Further Information

For further information concerning the contents of this Part of the DCP, contact: Council's Local Approvals and Compliance Services Section, Byron Shire Council, PO Box 219 Mullumbimby 2482.

Telephone: (02) 6626 7000, Fax: (02) 6684 3018. E-mail: Council@byron.nsw.gov.au.

This Part of the DCP was produced by SEDA in conjunction with Byron Shire Council.

Attachment 1

Guide Notes for Energy Efficiency Compliance & Exemptions

1. Introduction

Council's Energy Efficiency (Energy Smart Homes) DCP requires that all residential development must achieve a **minimum energy rating of 3.5 stars** using an accepted energy rating technique for the proposed developments' building envelope and a minimum Greenhouse Gas Rating of 3.5 stars for the hot water system OR seek an Exemption from this provision.

The purpose of this Attachment is to outline the "accepted energy rating techniques" available and to provide information about how to seek an Exemption from Chapter 1 Section C15 of the DCP.

2. Information Required With Residential Development Applications

Each application for new developments must include an accepted energy rating for the building envelope and greenhouse gas rating for the hot water system. *NOTE: Minor alterations and additions to residential buildings do not need to meet this requirement unless the alterations and additions affect more than 50% of the existing internal floor space (garage floor space is not be included).* In the case of additions and alterations there is no requirement to meet the requirements for Hot Water Systems.

2.1 Construction Plans

The Construction Plans for the Development must clearly show the following information:

- North Point (This must be identified as either Magnetic North or True North). *True north is approximately 12° west of magnetic north in Byron Shire.*
- Information regarding the construction materials to be used.
- Colour of roof and walls (described as light, medium or dark)
- The type and location (walls, under roof, ceiling, underfloor) of insulation to be used. (including sisalation)
- Any variations to glazing such as the use of tinted or reflective glass.
- Floor covering types, if known, and where in the house they will be located. (eg: tiles, carpet, bare timber, etc.)
- Hot Water System type and size to be installed. (required only for new developments). Installation location also to be shown on the floor plans.

2.2 Energy Rating Techniques

Building Envelope

The following table describes the accepted techniques which apply to the various forms of Application. In this Table, three (3) different forms of energy rating technique exist.

Development Type	Deemed to Comply Certificate	Scorecard	NatHERS
Single Dwelling ^(D) & Dual Occupancy ^(D)	✓	✓	✓
Residential Flat Building			✓

Table 1

- Deemed to Comply Certificate. This Certificate has been developed to form the easiest form of application and embraces the basic principles of The Energy Smart Home. By complying with ALL sections of the current Certificate, Byron Shire Council

deems that the intent of Chapter 1 Section C15 of DCP 2010 has been complied with.
NOTE : ALL Sections of the Certificate MUST BE complied with.

- Byron Shire Council Energy Rating Scorecard. This Scorecard itemises each component of the building and provides a point score. The Scorecard is not an exact energy rating technique however provides confidence that the home will Chapter 1 Section C15 of DCP 2010.
- NatHERS Certificate or its equivalent. This certificate is issued by Accredited Assessors who are trained in the use of the Nationally Accredited House Energy Rating software – NatHERS, or other approved software. A schedule of accredited NatHERS assessors is available at Council's offices.

2.3 Hot Water System

If the Application is for a new dwelling^(D) and proposes any of the following type of systems then an Exemption Certificate must be lodged.

- Electric
 - Instantaneous
 - Continuous
 - Storage

The Exemption Certificate uses a financial costing, over a seven (7) year period, to compare the cost effectiveness of one of the above forms of inefficient hot water systems to a complying hot water system. If it can be shown that that the electric system is more cost effective than the complying equivalent then an Exemption will be granted.

Attachment 2

“Deemed to Comply” Certificate

Current From : 1 May 2002 .

ORIENTATION	
	At least 50% of the floor area of living areas are sited on the northern side of the building. <i>NOTE: - North is defined here as being within the range of 32° west of magnetic north and 18° east of magnetic north.</i>
THERMAL MASS	
	Lower floor is constructed of concrete slab, or timber floor with either enclosed underfloor or underfloor with minimal venting.
ROOF	
	Roof eaves have a minimum width of 600mm and provided at least on all north, west and east facing walls.
	Roof colour is LIGHT.
	Metal deck roof has foil backed insulation blanket or tiled roof has sisalation (foil) laid under it.
VENTILATION & ZONING	
	A minimum of two (2) breeze paths are provided through the building. (ie: windows are located on opposite or adjacent walls). <i>NOTE: At least one breeze path is to be through the major living areas.</i>
INSULATION	
	R2.5 grade insulation is installed in all ceilings (excluding garage)
GLAZING	
	West facing windows are either covered with external awnings, a covered pergola of minimum width of 2.5 m or have a total glazed area of less than 2m ² . <i>NOTE: West is defined here as being within the range 125° and 35° west of magnetic north.</i>

I, certify that all of the above mentioned features will be incorporated into the building design and construction for the building proposal at

.....
.....

Signature

Date.....

Note: ^(D) = definition included in Chapter 1 Part A7 of this DCP

Attachment 3

House Energy Rating Assessment Score Card

PLEASE ENSURE ALL SECTIONS BELOW ARE COMPLETED

Application No: Date:

Applicant:.....

Building Address:

NOTES :

1. "North" refers to 'true north', which is approx. 12° west of Magnetic north.
2. When directions are specified they refer to the range of angles 45° either side of the compass point. (The compass points must then be adjusted 12° west of Magnetic North to correct for 'true north'.)
3. Do not include garages in these calculations.
4. "Covered" is defined as an awning/eave GREATER THAN 450mm wide AND LESS THAN 300mm above the top of a window OR a direct external covering such as a roller blind.

CALCULATIONS PAGE

Floor Area (m²) = Window Area (m²) = Ratio =

$\frac{\text{Window}}{\text{Floor}}$
= 0

NOTE : Perform the calculation on **Compensated Window Area ONLY IF R > 0.15**

Compensated Window Area Calculation			
		Window Area (m ²)	Answer
Area of tinted & reflective glass or double glazing	0.3 x	<input type="text"/>	= <input type="text"/>
Area of north facing COVERED windows	0.5 x	<input type="text"/>	= <input type="text"/> +
Area of WESTERN windows covered by pergola with a minimum width of 3.0m	0.3 x	<input type="text"/>	= <input type="text"/> +
		SubTotal 1	= <input type="text"/>
All windows (whether covered or uncovered):			
		Area (m ²)	
North face	0.3 x	<input type="text"/>	= <input type="text"/> +
East face	0.2 x	<input type="text"/>	= <input type="text"/> +
South face	0.1 x	<input type="text"/>	= <input type="text"/> +
West face	0.7 x	<input type="text"/>	= <input type="text"/> +
		SubTotal 2	= <input type="text"/>
S = Compensated Window Area = Subtotal 1 MINUS Subtotal 2			
S =	<input type="text"/>	-	<input type="text"/> = <u>This may be a negative number</u>

CALCULATION FOR WINDOW FACTOR (result to be used over the page in Section 1.4)	
If Ratio is GREATER THAN 0.3 then SUM TOTAL = Compensated Window Area (S)	<input type="text"/>
A	
If Ratio is LESS THAN 0.15 then SUM TOTAL = (6 – 22R)	<input type="text"/>
B	
If Ratio is EQUAL TO or BETWEEN 0.15 AND 0.3 then SUM TOTAL = S x (R/0.15-1)	<input type="text"/>
C	

Note: ^(D) = definition included in Chapter 1 Part A7 of this DCP

ADD THE TOTALS ON THIS PAGE

1.0 BUILDING	Points	
1.1 Skylights (multiply area by point factor)		
Double glazed or shaded ()m ² x 0.5 =	=	
Single Glazed ()m ² x -0.5 =	=	
1.2 Wall Colour		
Light or medium	1	
1.3 Roof Colour		
Light	5	
Medium	0	
Dark	-5	
1.4 Windows		
→ Take answer A, B, or C from bottom of previous page (round off the actual answer to the nearest 0.5)		
2.0 THERMAL MASS		
2.1 Ground Floor ONLY		
Concrete slab	3	
Timber (enclosed or minimal venting under)	0	
Timber (open underneath)	-4	
2.2 Walls-internal- north facing living areas		
Brick, stone, water or earth walls	3	
Autoclaved aerated concrete (AAC)	2	
3.0 ORIENTATION of LIVING AREAS		
3.1 If long direction does not faces north (must have windows > 4m ²)	-2	
4.0 VENTILATION		
4.1 Ventilation through living area		
More than one breeze path (no doors in pathway except front door)	3	
5.0 INSULATION		
5.1 Upper Floor (Top level – and only if more than 1 storey)		
Concrete	2	
Timber	-1	
5.2 Walls (applies to type of greatest percentage)		
Insulated AAC or Double Brick	4	
Brick veneer + R1.0 insulation	2.5	
Brick veneer with sarking	2	
Timber or Fibrous Cement (F.C.)+ R1.0 insulation	1.5	
Uninsulated Timber or F.C. + sarking	1	
Brick veneer	0	
Timber or F.C.	-2	
5.3 Roof		
Insulated metal deck roofing	5	
Metal deck roofing	-4	
Tiled roof with sarking	1	
Tiled roof with no sarking	-3	
5.4 Ceiling (if single storey)		
R1.5 throughout	12	
R2.5 or greater (throughout)	15	
Ceiling (if multi storey)		
R1.5 throughout	9	
R2.5 or greater (throughout)	12	
TOTAL =		

IF TOTAL SCORE EQUALS OR IS GREATER THAN 15 THE DWELLING IS 3½ stars.

EXAMPLE - House Energy Rating Assessment Score Card

PLEASE ENSURE ALL SECTIONS BELOW ARE COMPLETED

Application No: Date:

Applicant:.....

Building Address:

NOTES :

- 5. "North" refers to 'true north', which is approx. 12° west of Magnetic north.
- 6. When directions are specified they refer to the range of angles 45° either side of the compass point. (The compass points must then be adjusted 12° west of Magnetic North to correct for 'true north'.)
- 7. Do not include garages in these calculations.
- 8. "Covered" is defined as an awning/eave GREATER THAN 450mm wide AND LESS THAN 300mm above the top of a window OR a direct external covering such as a roller blind.

CALCULATIONS PAGE

Floor Area (m²) = **148** Window Area (m²) = **31.15** Ratio = **0.21**

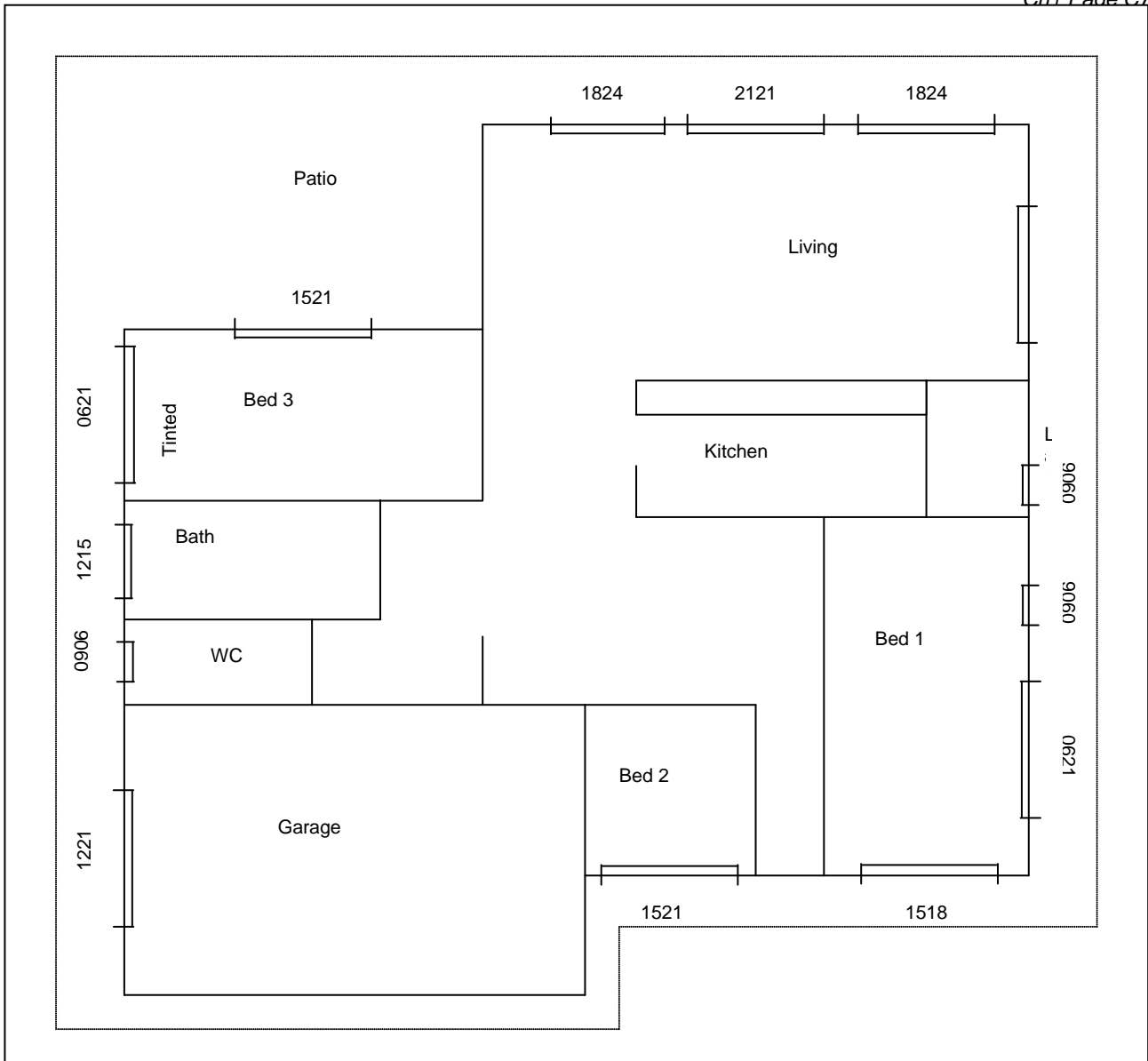
NOTE : Perform the calculation on **Compensated Window Area ONLY IF R > 0.15**

Compensated Window Area Calculation			
		Window Area (m ²)	Answer
Area of tinted & reflective glass or double glazing	0.3 x	1.26	= 0.378
Area of north facing COVERED windows	0.5 x	16.2	= 8.1 +
Area of WESTERN windows covered by pergola with a minimum width of 3.0m	0.3 x		
SubTotal 1			= 8.478
All windows (whether covered or uncovered):			
		Area (m ²)	
North face	0.3 x	16.2	= 4.86
East face	0.2 x	5.94	= 1.188 +
South face	0.1 x	5.85	= 0.585 +
West face	0.7 x	3.6	= 2.52 +
SubTotal 2			= 9.153
S = Compensated Window Area = Subtotal 1 MINUS Subtotal 2			
S =	8.478	-	9.153 = <u>This may be a negative number</u> -0.675

CALCULATION FOR WINDOW FACTOR (result to be used over the page in Section 1.4)	
If Ratio is GREATER THAN 0.3 then SUM TOTAL = Compensated Window Area (S)	
A	
If Ratio is LESS THAN 0.15 then SUM TOTAL = (6 – 22R)	
B	
If Ratio is EQUAL TO or BETWEEN 0.15 AND 0.3 then SUM TOTAL = S x (R/0.15-1)	-0.27
C	

The answer becomes '-0.5' FOR QUESTIONS 1.4 - rounded off to the nearest 0.5)

Note: ^(D) = definition included in Chapter 1 Part A7 of this DCP



Window Area (all covered with 600mm eaves)

North Face = 16.2m²
 East Face = 5.94m²
 South Face = 5.85m²
 West Face = 3.6m²

(Note: Garage windows are excluded)



Attachment 4

Guide Notes for Exemption from DCP for Building Envelope

1. Introduction

Chapter 1 Section C15 of DCP 2010 provides for the relaxation of the compliance requirements for the Energy Efficiency requirements of the DCP under certain circumstances.

2. Circumstances Providing For Exemption

Options for Exemption of the Building Envelope not achieving a 3.5 star rating are:

- a) Novel construction – where the prescribed assessment techniques do not address or reliably assess the performance of the construction being adopted and there are prima facie grounds for believing the prescribed techniques significantly underestimate the building envelopes performance.
- b) Conflicting Guidelines – existing lease and development conditions, other Development Control Plans, Australian Standards or any Policy or Guidelines that Council determines will have priority over this Plan, eg: heritage requirements, which preclude the attainment of the minimum rating requirements.
- c) Adverse impact on material amenity of adjoining land and buildings.
- d) Non-consistent or invalid results from approved computer software tools.
- e) Block orientation, geometry or topography constraints which significantly restrict the development.
- f) Existing overshadowing of the development site^(D).
- g) Uneconomic evaluation – where it can be shown that the attainment of the 3.5 star rating would require additional expenditure which is not cost effective within a ten (10) year period. Further details regarding this matter, including application forms for exemption, can be found in attachment 4 to this section of the DCP.

3. Application for Exemption

Complete the attached sheet entitled “Application for Exemption from the Building Envelope requirements of Section C15 of Byron Shire DCP 2010” and lodge it as part of your development application or complying development application. Should the Exemption be based on the argument of Option g), then the application must be accompanied by the following information:

1. NatHERS Certificate with the specifications and design as submitted (to be known as the Submitted Design Rating – **SDR**) (NOTE: this is the design for which an exemption is sought) and;
2. NatHERS Certificate with the minimum possible amendments to the specifications and design such that the application would comply with the DCP (such amendments must be clearly noted and distinguished from the desired building format) (to be known as the Complying Design Rating – **CDR**) (NOTE: this is the design which would comply with the DCP)
3. Documentary evidence of the costs of compliance over and above the Submitted scheme. Such evidence to include detailed builders and/or suppliers and/or subcontractors quotes for both labour and materials. Where information from these

sources is not available, costs must be justified with reports from either architects, building designers or qualified cost consultants using referenced information from third party organisations such as Cordells or Rawlinsons cost guides and providing an appropriate level of detail to Council satisfaction.

4. Grounds for Application for Exemption

For an Exemption to succeed it **must** soundly argue the justification for the Exemption and use appropriate documentation or if necessary expert opinion, or if Option g) is the basis for the Exemption it **must** demonstrate, using the above documentation, that the **Cost of Compliance exceeds the Compliance Cost Saving**, evaluated over a 10 year period, where –

$$\text{Cost of Compliance (in \$)} = [\text{\$CDR} - \text{\$SDR}]$$

\\$CDR = cost to build the Complying design

\\$SDR = cost to build the non-complying design

$$\text{Compliance Cost Saving (in \$)} = \text{Floor area} \times \text{Energy Saving} \times 1.5 \text{ (10 year evaluation)}$$

Area = floor area of dwelling^(D) measured to outside walls and excluding garages, (m²) laundries, storerooms, and other non-livable areas.

Energy Saving = **difference** between the NatHERS Energy ratings for both options. (kW/ m²)

**Application for Exemption from the
BUILDING ENVELOPE
Requirements of Section C15 of Byron Shire DCP 2010**

I,
of
(Applicant's name & address)
certify that the proposed
(insert dwelling, dual occupancy, etc.)
at
.....
(insert building address)

cannot achieve the required energy efficiency rating in Section C15 of Byron Shire DCP 2010 relating to the building envelope for the reason(s) below:

- a) Novel construction – where the prescribed assessment techniques do not address or reliably assess the performance of the construction being adopted and there are prima facie grounds for believing the prescribed techniques significantly underestimate the building envelopes performance.
- b) Conflicting Guidelines – existing lease and development conditions, other Development Control Plans, Australian Standards or any Policy or Guidelines that Council determines will have priority over this Plan, eg: heritage requirements, which preclude the attainment of the minimum rating requirements.
- c) Adverse impact on material amenity of adjoining land and buildings.
- d) Non consistent or invalid results from approved computer software tools.
- e) Uneconomic evaluation – attach the necessary quotations and NatHERS Energy assessments as detailed in and show the Compliance Cost calculations as detailed in - “GUIDE NOTES FOR EXEMPTION FROM ENERGY EFFICIENCY DCP FOR BUILDING ENVELOPE”.

Cost of Submitted Design Rating (SDR) = \$

SDR NatHERS Rating (kWh/ m²) =

Cost of Compliance Design Rating (CDR) = \$

CDR NatHERS Rating (kWh/ m²) =

Livable floor area (m²) =

Cost of Compliance : \$

Compliance Cost Saving: \$

Therefore the Cost of Compliance is GREATER THAN the Compliance Cost Saving.

.....
Signature of Applicant Date

NOTE : Each application will be assessed on its merits and determination will be at Council's discretion

*Development Control Plan 2010 – Chapter 1 Part C - Residential Development
Adopted 3 March 2011 Effective 31 March 2011 (#1068488)*

Note: ^(D) = definition included in Chapter 1 Part A7 of this DCP

Attachment 5

Guide Notes for Exemption from DCP for Hot Water Systems

1. Introduction

Section C15 of Byron DCP 2010 provides for the relaxation of the compliance requirements for Hot Water Systems under certain circumstances. For water heaters these circumstances relate to “uneconomic” justification. This means that exemption may be provided where it can be shown that the installation of a -complying water system would require additional cost over a seven (7) year period. This document explains the process for applying for Exemption.

2. Circumstances Providing For Exemption

If the Application is for a new dwelling^(D) and proposes any of the following type of systems then an Exemption Certificate must be lodged.

Electric - Instantaneous
 - Continuous
 - Storage

The Exemption Certificate uses a financial costing, over a seven (7) year period, to compare the cost effectiveness of one of the above forms of inefficient hot water systems to a complying hot water system. If it can be shown that that the electric (non-complying) system is more cost effective than its complying equivalent then an Exemption may be granted.

NOTE: The quoted capital cost of the complying Hot Water system must be reduced by . ALL available Government discounts applicable at the time.

3. Application for Exemption

Complete the attached sheet entitled – “Application for Exemption from the Hot Water Requirements of Byron Shire DCP 2010”.

Applications must be accompanied by quotations for the supply of the two types of Hot Water systems to be compared.

Other costs for the comparison calculations are on the attached “Application for Exemption from the Hot Water Requirements of Byron Shire DCP 2010”.

Application for Exemption from the
HOT WATER REQUIREMENTS
Requirements
of Byron Shire DCP 2010

I,
.....
(Applicant's name & address)

certify that the installation of a complying Hot Water System at
.....
.....
(insert building address)

is not economically viable over a 7 year period.

CALCULATION :

Table with 4 columns: Description, Preferred Hot Water System, Solar Hot Water System, Heat Pump. Rows include HWS size, No. of bedrooms, Purchase Price, Installation Price, 7/year Running Cost, and Total Cost.

Therefore the cost of Compliance is GREATER THAN the cost to install a non-complying Hot Water System.

Signature of Applicant Date

NOTE : Each application will be assessed on its merits and determination will be at Council's discretion.

Note: (D) = definition included in Chapter 1 Part A7 of this DCP

HOT WATER SYSTEM
“RUNNING COST” GUIDE NOTES
 (BYRON SHIRE AREA)

as at 1 July 2003

SIZE OF HOME & HWS	ANNUAL ENERGY CONSUMPTION (kWh)	ELECTRICITY TARIFF (cents/unit)	7/YR RUNNING COST (\$)
1 & 2 BEDROOM			
Electric 250L or >	3640	5.06	\$1,462
160L	3398	8.14	\$2,072
< 160L	2548	13.52	\$2,411
Solar (electric) 300L or >	1019	8.14	\$716
Heat Pump 270L	1133	8.14	\$782
3 BEDROOM			
Electric (or 250L dual element) 315L or >	5460	5.06	\$2,109
160L – 250L	5096	8.14	\$3,040
< 160L	3822	13.52	\$3,617
Solar (electric) 300L or >	1529	8.14	\$1,008
Heat Pump 270L	1699	8.14	\$1,104
4 BEDROOM			
Electric (or 315L dual element) 400L or >	7280	5.06	\$2,754
250L – 315L	6795	8.14	\$4,008
(single element) < 250L	5096	13.52	\$4,823
Solar (electric) 300L or >	2039	8.14	\$1,298
Heat Pump 270L or >	2316	8.14	\$1,456
5 BEDROOM or >			
Electric (dual element) 400L	9101	5.06	\$3,399
250L – 315L	8494	8.14	\$4,976
(single element) < 250L	6370	13.52	\$6,029
Solar (electric) 300L or >	2548	8.14	\$1,588
Heat Pump 270L or >	2831	8.14	\$1,749

***These costs incorporate “Supply Availability Charges”**

Source: Extracted from SEDA Energy Smart Homes Policy, further derived from NSW Department of Energy data published in 1996 in the brochure 'Comparative Hot Water Costs'

Chapter 1: Part D

Commercial Development

Document History

Doc No.	Date Amended	Details Comments eg Resolution No.
#312302	14 November 2002	Res 02-946 D2 – Requirements for Commercial Development Amendment: No. 3
#312302	25 November 2004	Res 04-727 D2 – Requirements for Commercial Development Amendment No. 5
#312302	14 October 2010	Res 10-696 - to create Draft DCP 2010 for public exhibition Res 10-696 D2.3, D2.5, D2.9, D2.13, D2.14, D2.15, Map D1 for inclusion of controls and a map in reference to South Jonson St rezoning– Byron LEP 1988 Amendment No. 115
#1016920		Draft DCP 2010 Part D (public exhibition copy)
#1068503	14 March 2011	Adopted Res 11-169: Format changes applied. Deleted provision relating to South Jonson Street
#1102661	9 June 2011	Res 11-476 Amended Sections 2.3, 2.5, 2.13-2.15, Map D1 relating to South Jonson Street (public exhibition copy)
#1129517	11 August 2011	Adopted Res 11-569 Amended Sections 2.3, 2.5, 2.13-2.15, Map D1 relating to South Jonson Street

PART D - COMMERCIAL DEVELOPMENT

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<i>What are the Objectives of this Part?</i>	<i>D3</i>
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D3. MIXED COMMERCIAL/ RESIDENTIAL DEVELOPMENT WITHIN ZONE N 3(a)- (BUSINESS ZONE)	D28

Note: ^(D) = definition included in Chapter 1 Part A7 of this DCP

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D1. INTRODUCTION

What is the purpose of this Part?

The primary purpose of this Part of the DCP is to provide controls and guidelines for business and commercial development within Byron Shire.

What are the Objectives of this Part?

The objectives of this Part are:

- To encourage commercial development which will enhance the appearance and functions of commercial and retail areas within the Shire, and reinforce the natural sub-tropical tourist image of the centres.
- To provide a high standard of innovative architectural and landscape design that fits into the context of, and is sensitive to, the existing surrounding locality particularly any adjoining residential or open space areas, and that enhances Byron Shire's environmental integrity.
- To encourage the creation of effective and attractive malls, arcades, outdoor eating and other pedestrian areas.
- To encourage development that makes appropriate use of the Shire's favourable climatic conditions.
- To ensure optimum use of existing social, transport and other infrastructure by encouraging development close to existing infrastructure, lessening the need for motor vehicle trips, and encouraging pedestrian and bicycle mobility.
- To ensure that adequate provision is made for vehicular movement and car parking in and around commercial and retail areas.
- To encourage economic development and the creation of employment opportunities within the Shire.
- To promote an acceptance of people as individuals, and to facilitate their access to a fair and equal opportunity to participate fully in community life.
- To provide for affordable residential development in the town centre without detracting from the viability of the commercial/retail sector.

D2 REQUIREMENTS FOR COMMERCIAL DEVELOPMENT

D2.1 Element - Location and Function

Element Objective

To promote development that is consistent with and reinforces the identified role of the centres within the commercial centres hierarchy.

Performance Criteria

Developments that complement each other are to be located in close proximity to help consolidate centres and so improve viability and provide a better and more efficient environment for clients and workers. Development must be consistent with, and reinforce the role of the centre within the commercial centres hierarchy.

Development must contribute to the attractiveness of the centre in terms of vitality and the type and range of services offered by the centre.

Prescriptive Measures

There are no prescriptive measures for this Element.

D2.2 Element - Scale and Appearance

Element Objective

To reinforce the role and function of Business Centres and to ensure that development is compatible with the surrounding built form.

To ensure that the design of developments complements and enhances the public realm within existing business precincts.

Performance Criteria

The scale and appearance of development within commercial and retail areas must be compatible with adjoining and nearby development. The scale and appearance of the development must reflect and complement the character of the centre. Development within coastal centres must reflect a low-scale, tourist/beach image, and development in rural centres must be consistent with the village atmosphere.

Landscaping must complement the sub-tropical environment of the region and be integrated with the design of the development. In this regard, applicants must refer to Chapter 1 Part H - Landscape.

Prescriptive Measures

The height^(D) prescribed within Zone No. 3(a)(Business Zone) under the provisions of the Byron Local Environmental Plan 1988, and the design controls specified in this policy, are the major determinants of scale. However, Council will give consideration to the overall scale and character of the centre within which a site^(D) is located, and to specific design requirements which are incorporated in any precinct plan or an area-specific chapter of this DCP.

The design of new buildings must reflect and enhance the existing character of the business precinct.

Special emphasis must be given to the design of corner buildings, including careful consideration of the following:

- How the building addresses its neighbouring buildings, dual frontage and its turning of the corner.

- Stepping up at the corner and having a perceived greater height^(D) than neighbouring buildings.

The incorporation of distinctive features to enhance the streetscape, ie. stepped parapet turrets, towers, clocks etc.

- Giving the corner a splayed or square recess treatment such that it gives form to the intersection and provides more circulation space for pedestrians at the corner.

Building design must relate to its retail/ commercial/ office function with quality materials at the pedestrian level.

The pattern of windows must provide visual interest and variation and relate to those of adjacent buildings.

Materials must relate to the context of buildings within the area to achieve continuity and harmony. Contrasting materials may be used to provide diversity, however materials and colour must not be used so that they dominate the streetscape.

The building design, roof profile, detailing, colours, materials, etc, that are visible from the street and adjoining properties, are to be compatible with any dominant design themes within the surrounding locality.

D2.3 Element - Parking

Element Objective

To provide sufficient and convenient on-site parking to meet user needs.

Performance Criteria

Vehicular driveways, parking and loading areas must not interfere unduly with the free flow of pedestrians on or adjacent to the site^(D).

Car parking, loading and manoeuvring areas must be located so as to provide the maximum convenience and safety for customers, staff and service vehicles. The visual impact of such areas must be softened by the appropriate use of landscaping, and shade trees provided at frequent intervals throughout the car parking area, in accordance with Chapter 1 Part H - Landscape.

Underground car parks are to be designed so that they meet ESD principles.

Prescriptive Measures

Car parking, loading facilities and vehicle access and movement must be designed in accordance with Chapter 1 Part G - Vehicle Circulation and Parking.

Underground car parks must be designed so as to exclude the entry of stormwater and/or groundwater to the basement. Underground car parks must not be located below the top of the watertable.

Carparking must be provided on site for allotments at the south eastern end of Jonson Street, Byron Bay as required under Part G. These allotments are delineated by the thick black line in Map D1. Monetary contributions in lieu of on-site carparking spaces are not suitable in this area due to the distance to the S94 Car parks. In the event the S94 Plan is amended for the provision of public car parking in the South Jonson Street Precinct, monetary contributions will then be considered. Allotments delineated within Map D1 that are adjacent to a rear lane must provide access and egress to on-site carparking via the lane wherever possible.

D2.4 Element - Loading Docks

Element Objective

To ensure that loading docks are designed and located so that they will not adversely affect the streetscape or visual character of the area when viewed from roads, public places or nearby properties.

Performance Criteria

Loading docks and service areas must not be visible from any public place and must be suitably screened from adjacent properties. Screening may be achieved by locating such areas behind the buildings, by fencing, landscaping, mounding or a combination of these, or by other means to Council's satisfaction.

Prescriptive Measures

See Chapter 1 Section G2.4

D2.5 Element - Setback From Street

Element Objective

To provide for setbacks which complement the streetscape and character of the centre.

Performance Criteria

Setbacks from the street are encouraged in commercial development:

- to give a softer, more open feeling to the streetscapes of town areas;
- to encourage a relaxed atmosphere;
- to enable street furniture and landscaping to become an integral part of the town's commercial precinct;
- to ensure development is conducive to effective pedestrian movement and access.

Prescriptive Measures

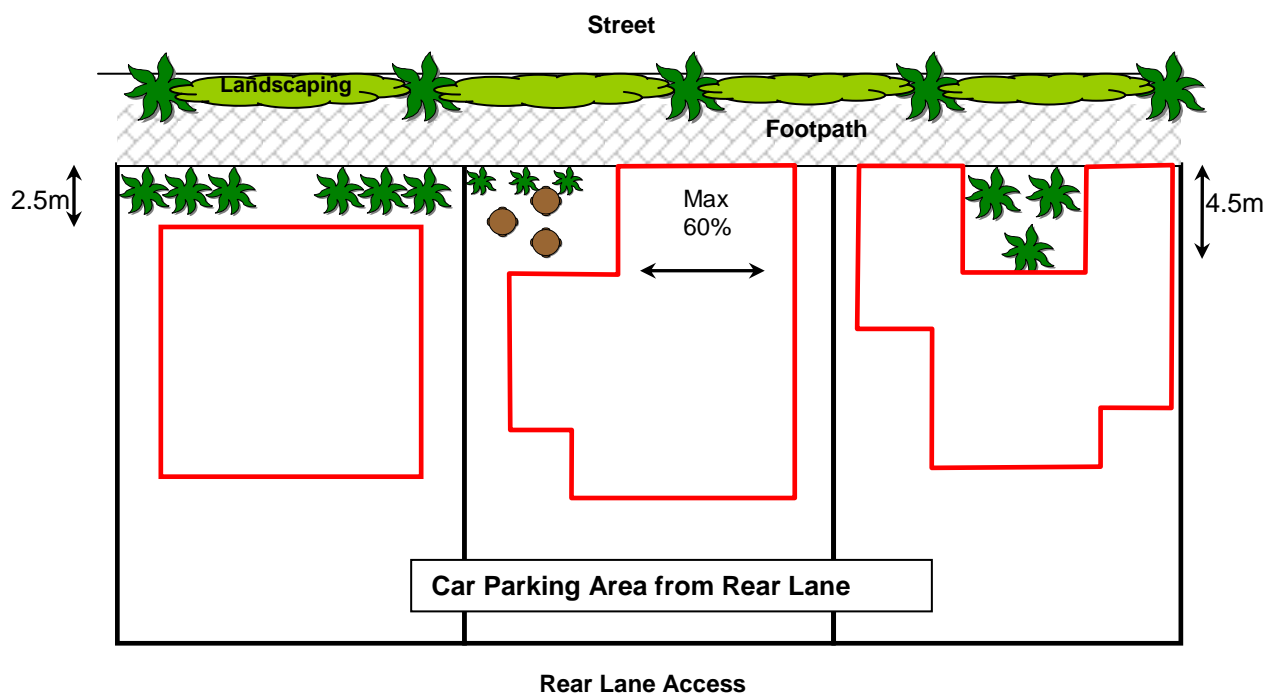
While no general setback applies to the erection of commercial buildings, the following specific requirements apply:

- (a) Where car parking or goods loading areas are adjacent to a street frontage, excepting a service lane, a minimum setback of 3 metres must be provided to allow for effective landscaping.
- (b) A setback of up to 5 metres may be required for reasons of traffic safety, amenity or streetscape improvements. In such case, development will not be permitted within the setback area, other than the use of the land for landscaping, public access, outdoor seating, utility installations, roadways for access, or the erection of a sign identifying the occupants of the site^(D).
- (c) Upper storey^(D) additions will be required to be set back an appropriate distance to enable the provision of a balcony^(D) or private open space. Council will require appropriate provision of landscaping at street level or a monetary contribution in lieu, for upgrading and beautification of adjacent public places. An appropriate sketch must be included with any such application.
- (d) In the South Jonson Street Precinct as delineated by the thick black line Map D1 a variable building line is proposed to create a gradual transition from business to residential land uses and to enable front setbacks in part to be softened by landscaping. Setbacks are as follows:
 - (i) A general setback of two and half (2.5) metres to the road frontage to apply;

- (ii) Setbacks down to a zero building line will be considered for a maximum of 60% of the street frontage where by the remainder of the development to be setback a minimum of four and half (4.5) metres from the street boundary
- (iii) Upper levels to be setback a minimum of 4.5 metres from the road frontage to assist with vertically articulating the development.
- (iv) Alfresco/ outdoor dining permissible within the front setback, but footpath dining on the road reserve will not be approved.
- (v) Where buildings are setback from the road frontage, the setback areas to be appropriately landscaped with endemic native plants including grasses and groundcovers to the area. Plans for development to include a landscape plan prepared in accordance with Part H showing how the area setback from the street will be appropriately landscaped.

For details on how the setbacks will apply see Figure D2.5- South Jonson Street Setbacks.

Figure D2.5 – South Jonson Street Setbacks
(Not to Scale)



Underground car parking spaces may only be permitted within setback areas provided the underground structure is located a minimum of 2m below ground level to permit substantial landscaping.

D2.6 Element - Signs

Element Objective

To ensure that signs are compatible with the character and function of business precincts and surrounding areas.

Performance Criteria

Signs must reflect the role and function of business premises.

The number and size of signs must be limited to ensure equity for land uses and a pleasant visual environment.

Signs must be included as part of the overall design strategy for the development.

Prescriptive Measures

The erection of signs will be subject to the detailed requirements of Chapter 16 Exempt and Complying Development and Chapter 1 Part L – Signs of this DCP.

D2.7 Element - Access and Facilities for People with Disabilities**Element Objective**

To maintain safe and equitable access for persons with access disabilities.

Performance Criteria

There are no performance criteria for this Element.

Prescriptive Measures

The Building Code of Australia specifies certain minimum standards for the provision of access and facilities for people with access disabilities to various types of development.

The following provisions supplement the requirements of the Building Code of Australia and ensure that people with access disabilities have appropriate access at least at ground level to commercial buildings, irrespective of the floor area of the building or of the height^(D) of the ground floor above or below street level.

- (a) All new development comprising shops, offices, restaurants, public buildings, tourist facilities and the like must provide disabled access from the finished level of the footpath or road reserve to that floor of the building closest to ground level, irrespective of the height^(D) of that floor above or below the footpath or road level or the floor area of the particular premises.
- (b) All ramps, landings, doorways, circulation space and handrails forming part of the required disabled access must comply with the requirements of the Building Code of Australia.

In addition to the above, applicants must make themselves aware of the provisions of the Disability Discrimination Act.

Any ground floor shop, refreshment room or commercial premises needs to be fully accessible through the principal entrance, aisles between merchandise displays must display clear widths and passing spaces. At least one checkout in each group must be accessible.

One level of every counter for use by the general public must be at a height which enables access by a person in a wheelchair (This can be achieved by making a split-level counter.)

Where there are writing places provided, at least one place must be accessible to a person in a wheelchair.

First and second floor shops, refreshment rooms or commercial premises must be fully accessible where the floor area of either level 100m² or more. Shops, refreshment rooms or commercial premises with floor level less than 100m² provision must be made for a stairwell where a chairlift can be installed in accordance with the relevant Australian Standard.

Council may consider exemptions for change of use.

D2.8 Element - Arcades

Element Objective

To facilitate the provision of arcades which have provide high degree of user amenity and are designed to suit the climate of Byron Shire.

Performance Criteria

Arcades, especially those incorporating outdoor seating and landscaping, provide a proven economic advantage for adjacent commercial development and therefore Council encourages their use, particularly considering the local climate.

All arcades must be designed so that natural light is available to the arcade by inclusion and appropriate placement of light wells, courtyard openings, etc, to avoid dark, poorly lit areas.

Prescriptive Measures

There are no prescriptive measures for this element.

D2.9 Element - Outdoor Dining

Element Objective

- *To encourage an out-door lifestyle by promoting the benefits of Outdoor Dining which include increasing street vitality, promoting social interaction and contributing to urban regeneration.*
- *Where the outdoor dining is located on the public footpath, to ensure:*
 - *an appropriate rent and deposit are levied in acknowledgement of the use of public land for commercial purposes.*
 - *the safe movement of pedestrians and convenience to surrounding residents and businesses.*
- *To maintain safe and equitable access for persons with access disabilities.*

Performance Criteria

The ground surface must be sufficiently level to support an orderly layout and safe use of the required furniture.

Pedestrians must be able to clearly and easily negotiate the footway when table and chairs are in place. The prime consideration of Council is to maintain a constant pedestrian corridor along the footpath.

The holder of the approval is to indemnify Council in writing against any action taken against it by persons injured or suffering loss by the use of the footpath. Council will not accept liability for damage to or loss of furniture or personal property from the approved area.

Footpath furniture must make a positive contribution to the street environment. A furniture style that is practical and elegant and integrates well with the surroundings is encouraged.

Whenever possible, a footpath dining area must visually relate to, and be physically aligned with, existing features and permanent elements of the streetscape and landscape such as, trees, bollards, etc.

Footpath dining areas must enrich the pedestrian experience and public life. It is important that they present an open, inviting image and are easily accessible.

Prescriptive Measures

Private arcades and courtyards

Access aisles and clearances must be maintained at all times as follows:

- (a) Major pedestrian access aisle -minimum width 2 metres; or
- (b) Minor pedestrian access aisle (where a major aisle through the courtyard or arcade area also exists nearby) - minimum 900 mm;

On public footpaths

Licence Approvals

An application for a licence, hereafter referred to as an "approval", to use a footway for dining purposes is made under Section 125 of the Roads Act, 1993. The concurrence of the Roads and Traffic Authority is required if the dining area is located on a classified road. These are the Pacific Highway, Main Road No. 65 (Bangalow/Lismore Road), Main Road No.545 (Ewingsdale/ Jonson/ Broken Head Road) and Main Road No.306 (Mullumbimby Road/ Argyle Street/ Burringbar/ Daley Street).

Use of part of a footway for dining purposes can only be considered where that use is adjacent to an approved Refreshment Room. A Refreshment Room means a "restaurant, cafe, tea room, eating house or the like" as per Byron Local Environmental Plan 1988. Each application must be made in conjunction with a development application, or in accordance with the existing development consent.

Approvals, where provided, will be subject to all relevant Act and Regulations, including in particular, the Food (General) Regulations Act, Dog Act and Occupational Health and Safety Act.

The Council will provide a notice outlining the terms of the approval including specification of the maximum number of chairs able to be provided within the approval. This notice must be displayed at all times in the front window of the premises, or so that it can be clearly read from the footpath, by passing pedestrians.

Approvals will be granted for a maximum period of two (2) years.

If the approval is granted to a corporation or unincorporated association then the principal of the organisation may be required to give personal guarantees and/or provide a bank guarantee to the satisfaction of the Council to secure payment of approval fees.

Insurance

The holder of the approval is to indemnify Council in writing against any action taken against it by persons injured or suffering loss by the use of the footpath. Council will not accept liability for damage to or loss of furniture of personal property from the approved area.

Public risk insurance to a minimum value of ten (10) million dollars must be taken out by the applicant/ holder of the approval. The insurance must note the interests of Byron Shire Council as co-insured.

The applicant/ holder of the approval must lodge a copy of the insurance policy with Council prior to the issue of an approval. A certificate of currency needs to be furnished at the expiration of insurance and with each renewal application.

Layout, Circulation, Safety and Convenience

A maximum of one chair per square metre is permitted.

In all locations, a clear distance of at least 2.0 metres must be maintained adjacent to the licensed area for pedestrian circulation. For town centres, excluding Byron Bay, the minimum distance specified may be reduced, at Council's absolute discretion, to a minimum of 1.8 metres. This can only occur where the applicant can demonstrate to the satisfaction of Council that there will be no increased impact on pedestrian access when the tables and chairs are in place.

The pedestrian corridor must be continuous with the frontage of the property and/ or contiguous with the adjoining properties, within a reasonably distinctive section, or portion, of the street/ lane.

Visually impaired persons normally use the continuous line of the shop frontages for direction with their guidance sticks. Where the building frontage is not continuous, tactile directional tiles for the visually impaired must be provided, at the applicant's cost. The tiles must be placed on the property boundary/ frontage and also on the edge of the dining areas. Pavement hazard markings must be provided at the ends of dining areas to provide delineation to the dining areas for the visually impaired and to assist in defining the leased area.

The available depth of a footpath dining area depends on the width of the footpath. The minimum practical depth for a footpath dining area is 1 metre, which will allow for two chairs per table. Where the proposed footway restaurant area extends outside the confines of the associated refreshment room, concurrence of the adjoining shop owner is required, and details are to be supplied indicating that normal trading of the adjoining premises will not be adversely affected, addressing such matters as ie, advertising, display areas and public access.

At street intersections, a setback of at least 10.0 metres from the kerb in the opposing street applies. The dining area will only be approved where the defined seating area is more than 10.0 metres from the approach side and more than 5 metres from the exit side of a pedestrian crossing.

Safety for kerbside diners from vehicle impacts must be provided by the use of bollards set into the footpath pavement or other methods to achieve the same level of safety. Bollard spacing is not to exceed 1200mm, and they must be located 600mm clear of the kerb and gutter (900 mm where there is angle parking) to allow sufficient space for people to alight from parked vehicles.

Diners must be clear of the bollards such that deflections in the bollards, as a result of vehicle collisions, would not impact on the people seated adjacent. A minimum clearance of 200mm must be provided between diners and bollards (essentially equating to 800mm –adjacent to parallel parking or 1100mm – adjacent to angle parking setback from the kerb for actual diners.)

Where a dining area is located adjacent to the kerb a walk through area must be provided for motorists that may park adjacent to this area and wish to access the footpath. Walk through areas must be provided at minimum spacings of 6.0 metres (average vehicle length 5-6m), such that on average a person alighting from a vehicle only need travel a distance of 3.0 metres before an accessway through the seating area is available. Where existing street furniture, planter boxes, utility poles etc restrict pedestrian traffic adjacent to the building the pedestrian corridor is to be located away from the building/ property alignment.

The use of the footpath is not to inhibit access to public utilities such as fire hydrants, access holes, inspection chambers, telephone and electricity underground cables, water service pipes and the like.

Style, Materials and Colours

The style, layout, and orientation of furniture must be chosen according to the extent and shape of the available space so as not to tempt patrons to move furniture beyond the boundaries of the licensed area.

The use of bulky single piece moulded plastic / resin furniture is not permitted. All furniture items will be subject to the Council's approval. A furniture style guide is shown in the following diagram.

If safety rails, bollards or similar permanent elements are required, their location, selection and design will be subject to the Council's approval.

Applicants are encouraged to select furniture that is compatible with the design and quality of the style range included in the following diagram. Favourable consideration may also be given to well designed, creative and individual alternatives, provided that they are consistent with the contents of this policy.

Tables, chairs, and umbrellas may be powder coated, or polished aluminium, brushed, or stainless steel, natural or painted timber, or canvas. Suitable colours include natural, camel, terra cotta, Brunswick green, blue or black. Surfaces such as tabletops must minimise reflective glare.

Planters are recommended in terra cotta, concrete, or reconstituted stone in natural, sandstone or terra cotta colour, or powder-coated, brushed, or stainless steel or timber in natural earth colours.

Enclosure

Subject to the Council's approval, planters may be used to physically define the perimeters of a footpath dining area to prevent pedestrian conflict and ensure the patrons' safety. Enclosure must be kept to a minimum, and barricade fencing with planters is not permitted.

Retractable awnings will be considered subject to a minimum clearance distance of 2.6 metres from the pavement. Drop blinds are not permitted.

Umbrellas are permitted to provide for shade and shelter in exposed locations. Umbrellas and other shade structures must be adequately secured against the effects of wind.

Umbrellas must not project beyond the table and seated area if less than 2.6 metres above the footpath.

Structure

The furniture must be strong, durable, waterproof and weather resistant, designed for commercial outdoor use. The design must not contain parts that are likely to cause damage to the pavement.

Public safety and comfort must be considered. Particular care must be taken with any sharp edges, and hinges or other moving parts to ensure that they do not present a potential hazard to their users. Any umbrellas must have mechanisms to ensure that they are at all times securely fixed to withstand wind and they must be removed or closed in extremely windy conditions.

Management - Furniture and Planting

The applicant is responsible for the provision of all required furniture to the Council's satisfaction.

All furniture and planting of a footpath dining area must at all times be maintained in a physically sound and aesthetically acceptable condition to the Council's satisfaction, and all of the licensed area must present a clean, well maintained image as specified in the conditions of the licence and approval.

All outdoor furniture not permanently fastened to the footpath is to be removed from the approved area upon the completion of each day of trading. It should be noted that no outdoor furniture, barrier or structure is to be permanently fastened to the footpath without the prior approval of Council. Any holes made in the pavement, as approved by Council, must be stoppered when not in use.

Unless the approval is renewed the holder of the approval must restore the area of the approval to its condition immediately before the grant of the approval and not later than one month after the expiration of the approval.

Health Considerations, Table Service and Alcohol

All food must be stored and prepared within the approved food preparation area of the approved refreshment room.

All outdoor furniture, other facilities and the pavement must be kept clean at all times. The approval holder is to steam clean the footpath at his/her expense when deemed necessary by Council.

Table service is mandatory.

Where a footpath dining area is approved in association with licensed premises, liquor may not be supplied or consumed in the open air without approval from the licensing Court and Council. Where it is intended to serve alcohol and the area requiring approval forms part of an Alcohol Free zone, an adjustment to the Alcohol Free zone is required through a formal procedure including public advertising and an additional fee for service will be charged.

Toilet Facilities

It is a requirement that toilet facilities be made available to patrons in accordance with the Building Code of Australia.

Advertising and Signs

Only the name or logo of the footpath dining area may be placed on any item of furniture. It must appear only once on each item and be a minor element of the furniture design, to the Council's satisfaction. No other advertising on any outdoor furniture or the licensed area is permitted without specific approval by Council.

Delineation of Dining Areas

The boundaries of the footpath dining area as approved, are to be marked. In most cases corner markers will suffice. In complex locations, it may be necessary to use additional markers along the boundary alignment.

In paved areas, pavement markers, e.g. self adhesive tactile tiles, metal studs or stone inserts installed flush with the paved surface can be used. Where it is necessary to consider people with visual impairment the delineation of boundaries must be by the use of self adhesive tactile tiles.

In areas with a grass, gravel or similar surface, pavement markers are not feasible, and existing or new landscape elements such as trees, light poles, bollards, etc. can be used instead.

The markers must remain in place throughout the duration of the license, and all furniture, including umbrellas, planters and plants must be kept strictly within the boundaries of the licensed area.

Lighting

Any footpath dining area licensed to operate outside daylight hours must provide adequate lighting, to the Council's satisfaction, to ensure the safety and amenity of patrons and the general public.

Purpose Built Dining Areas

In some cases the applicant may wish to undertake streetscape works to accommodate a footpath dining area. Such works may include footpath widening, paving, street tree planting, pedestrian lighting, etc. Any such works require a specific development approval by the Council. Any car parking spaces lost must be compensated for by the payment of Section 94 contributions.

Exclusions Outside Town Centres

Council may approve picnic style tables, and or benches, located outside general stores not within a town centre, where Council is of the opinion that the facility will provide a genuine community benefit. No licence agreement or fee will be payable, however this approval is at the absolute discretion of council and subject to the proprietor of the general store providing written agreement to maintain the furniture. Any such approval is not an approval within the meaning of Section 125 of the Roads Act and does not give the proprietor of the store any rights to exclusive use of such furniture as it is located on a public road.

Fee Structure

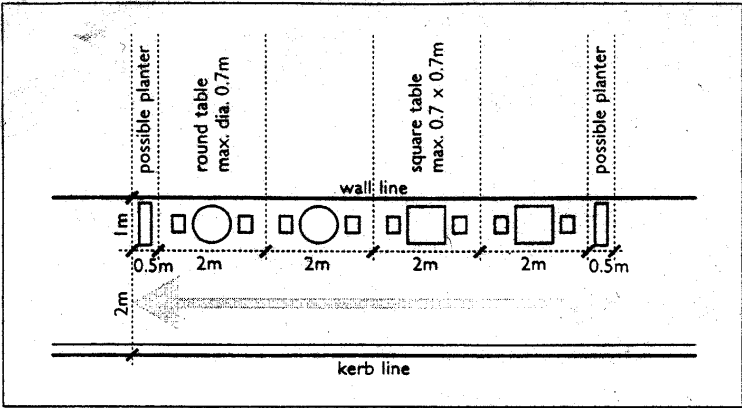
Fees are determined on an annual basis in conjunction with Council's Management Plan and budget. The fees set by Council are based on a number of factors, including;

- Market rental assessments;
- Pedestrian traffic;
- Affordability; and
- Social impact.

Fees are to be paid quarterly, or annually in advance.

Any approvals granted would be subject to any requirements of the Retail Leases Act and no occupation or use of the area of the approval will be permitted until those requirements, if any, are satisfied.

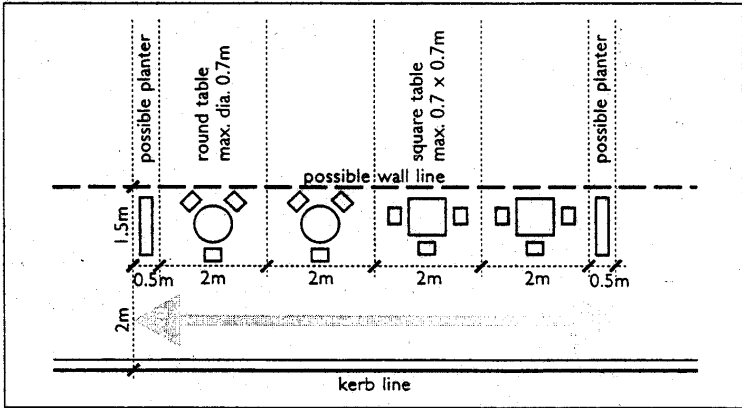
Diagram 1



Footpath cafe adjacent to the respective indoor premises

- alignment and minimum clearance for pedestrian traffic
- nominal dimensions for furniture layout with 2 chairs per table

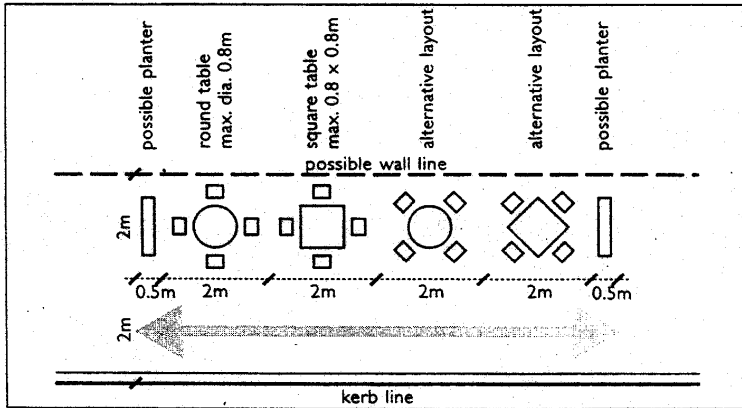
Diagram 2



Footpath cafe adjacent to the respective indoor premises (square table only) or freestanding (square or round table)

- alignment and minimum clearance for pedestrian traffic
- nominal dimensions for furniture layout with 3 chairs per table

Diagram 3

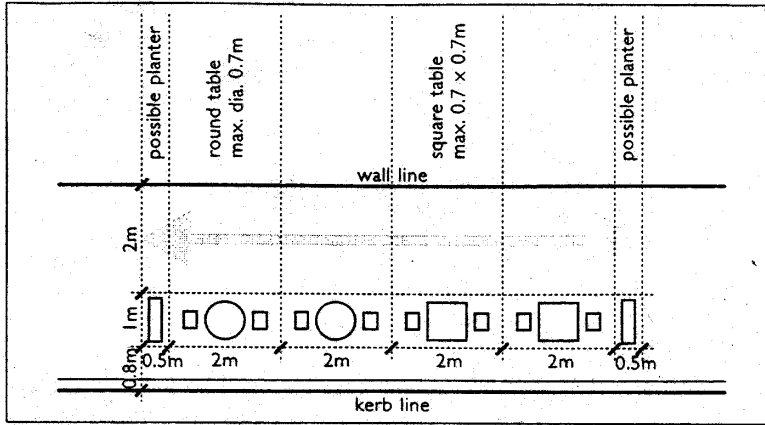


Footpath cafe adjacent to the respective indoor premises or freestanding

- alignment and minimum clearance for pedestrian traffic
- nominal dimensions for furniture layout with 4 chairs per table

Note: ^(D) = definition included in Chapter 1 Part A7 of this DCP

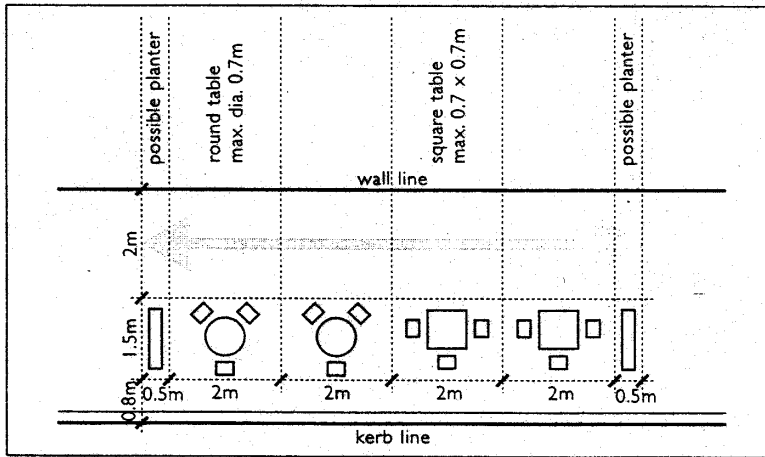
Diagram 4



Footpath cafe adjacent to the respective indoor premises

- alignment and minimum clearance for pedestrian traffic
- nominal dimensions for furniture layout with 2 chairs per table

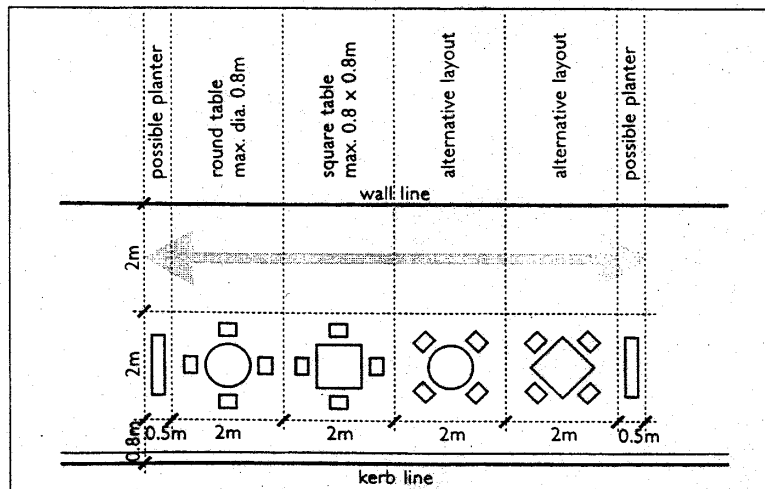
Diagram 5



Footpath cafe adjacent to the respective indoor premises (square table only) or freestanding (square or round table)

- alignment and minimum clearance for pedestrian traffic
- nominal dimensions for furniture layout with 3 chairs per table

Diagram 6

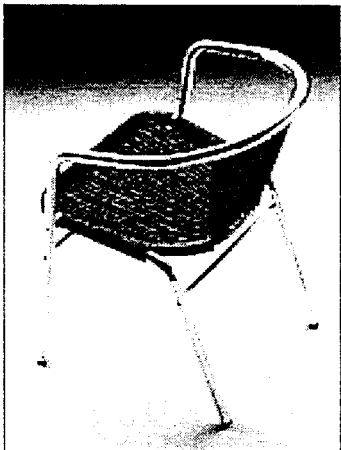
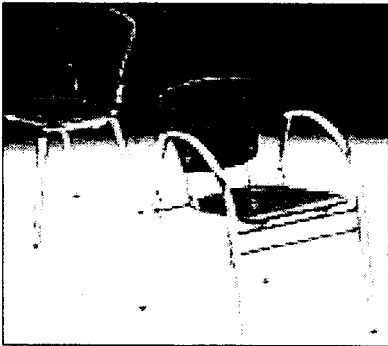
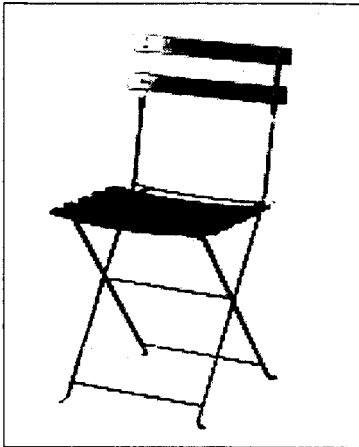
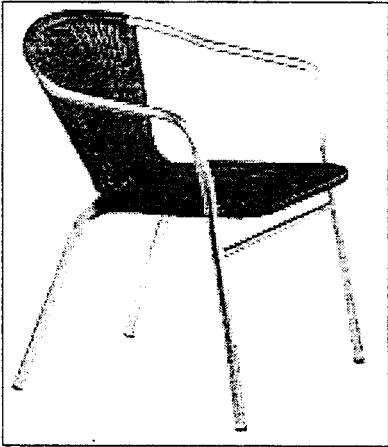
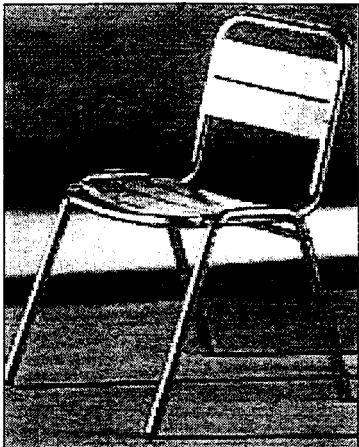
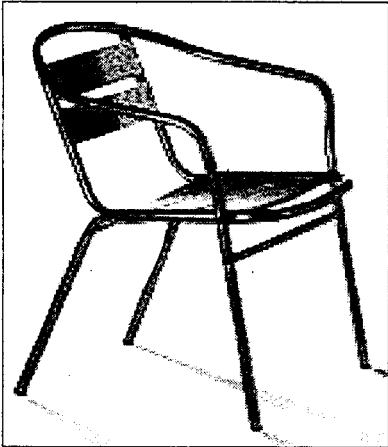


Footpath cafe adjacent to the respective indoor premises or freestanding

- alignment and minimum clearance for pedestrian traffic
- nominal dimensions for furniture layout with 4 chairs per table

Furniture Style Guide

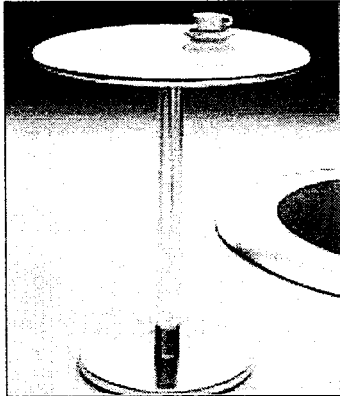
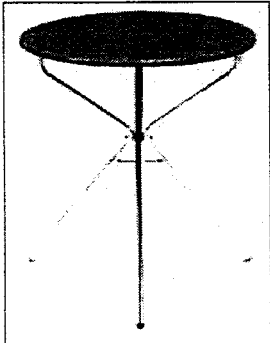
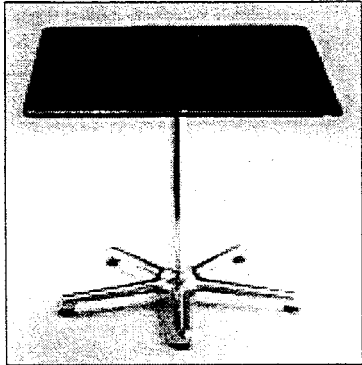
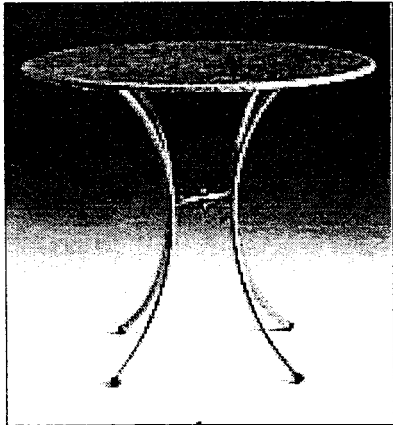
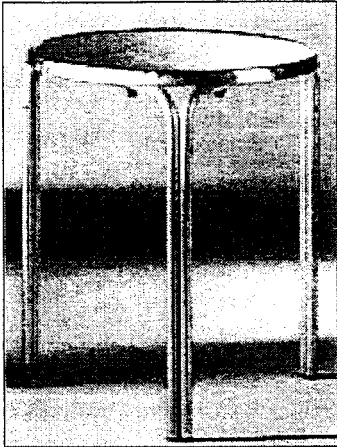
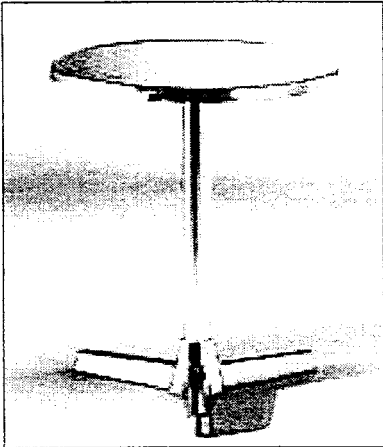
Chairs (illustrative only)



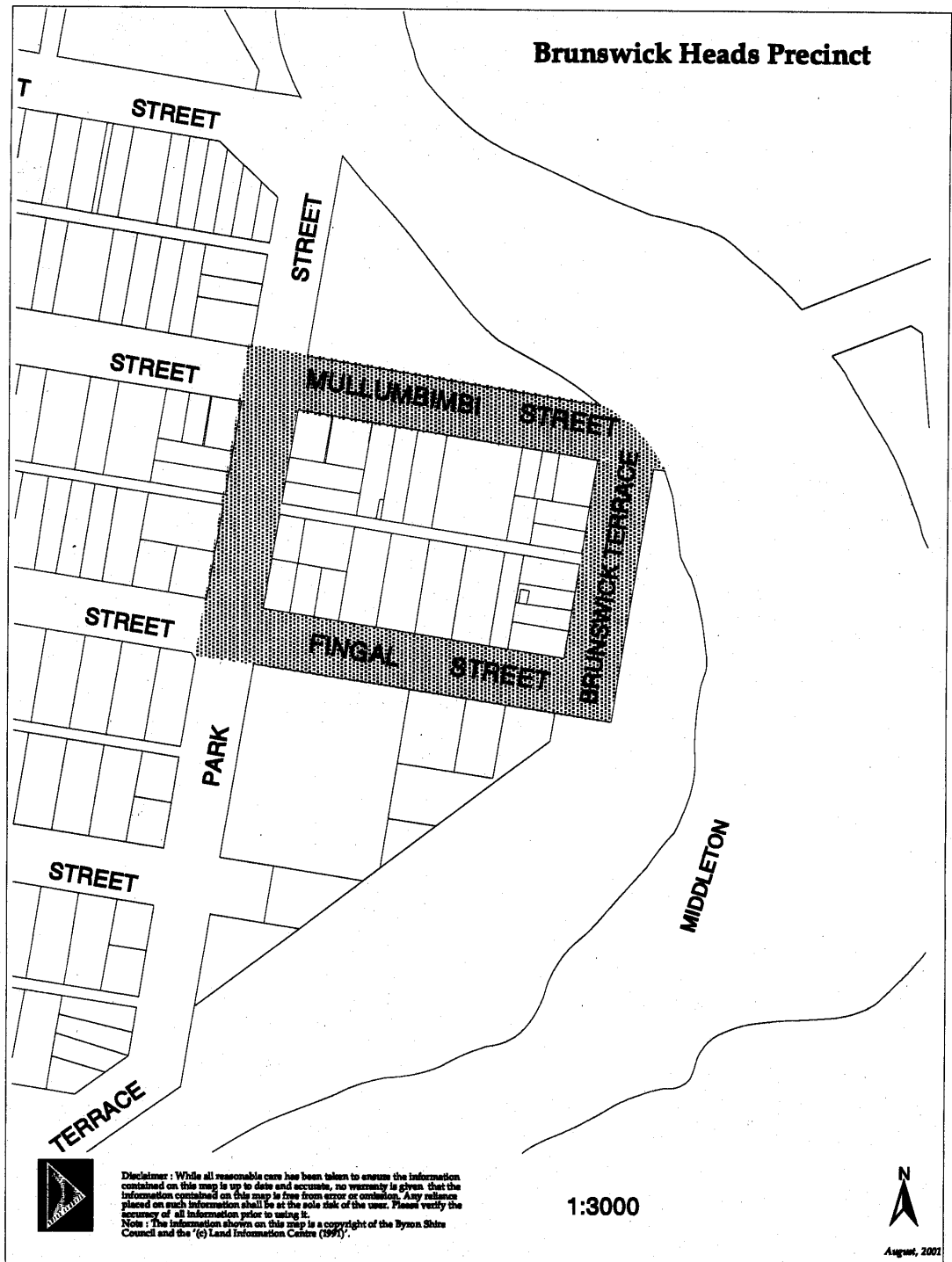
Note: ^(D) = definition included in Chapter 1 Part A7 of this DCP

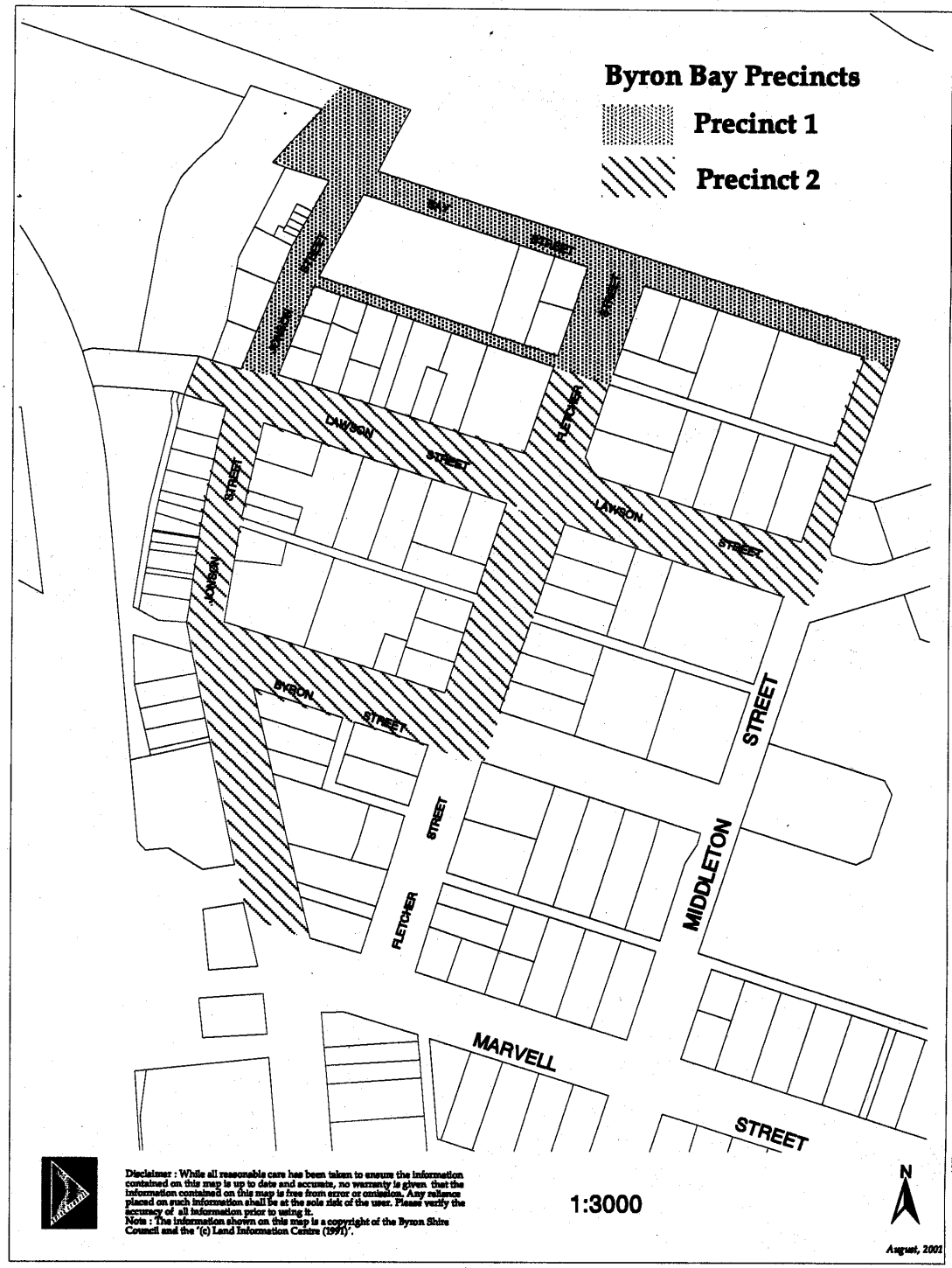
Furniture Style Guide

Tables (illustrative only)



Note: ^(D) = definition included in Chapter 1 Part A7 of this DCP





D2.10 Element - Other Commercial Use of Public Footpaths

Element Objective

To maintain the safe movement of pedestrians and the convenience to surrounding residents and businesses.

To maintain safe and equitable access for persons with access disabilities.

Performance Criteria

The display of goods on the footpath may be approved by Council provided the ground surface is sufficiently level to support an orderly layout and safe use of the required displays of goods.

Pedestrians must be able to clearly and easily negotiate the footway when the goods are displayed. The prime consideration of Council is to maintain a constant pedestrian corridor along the footpath.

The holder of the approval is to indemnify Council in writing against any action taken against it by persons aggrieved by the use of the footpath. Council will not accept liability for damage to or loss of goods or personal property from the approved area.

The provisions of this section apply to moveable signs.

Prescriptive Measures

Approval may be granted for shops to place items on the footpath. Items must be purchased within the shop, not on the footpath, with the exception of Market Days/ Special Events. Merchandise must be removed from footpath when the shop is closed or unattended. Items for purchase must be in keeping with the character of goods on sale within premises. Fresh food other than whole fruit and vegetables will not be permitted unless in hermetically sealed containers. Display of alcoholic or intoxicating liquor, tobacco, inflammable goods, medicines or drugs of any kind will not be permitted on the footpath.

Approvals will be granted for a maximum period of two (2) years.

If the approval is granted to a corporation or unincorporated association then the principal of the organisation may be required to give personal guarantees and/or provide a bank guarantee to the satisfaction of the Council to secure payment of approval fees.

Stock items placed directly on the footpath pavement will generally not be permitted. Fresh food must be kept at least 750mm above the footpath. Display units must be structurally sound and adequately anchored to ensure no movement (eg. lockable casters, attached to building etc.)

The Council will provide a notice outlining the terms of the approval. This notice must be displayed at all times in the front window of the premises, or so that it can be clearly read from the footpath, by passing pedestrians.

Public risk insurance to a minimum value of ten (10) million dollars must be taken out by the applicant/ holder of the approval. The insurance must note the interests of Byron Shire Council as co-insured.

The applicant/ holder of the approval must lodge a copy of the insurance policy with Council prior to the issue of an approval. A certificate of currency needs to be furnished at the expiration of insurance and with each renewal application.

The holder of the approval is to indemnify Council in writing against any action taken against it by persons injured or suffering loss by the use of the footpath. Council will not accept liability for damage to or loss of goods from the approved area.

In all locations, a clear footpath distance of at least 2.0 metres must be maintained adjacent to the licensed area for pedestrian circulation. For town centres, excluding precincts one and two in Byron Bay (see map), the minimum distance specified may be reduced, at Council's absolute discretion, to a minimum of 1.8 metres. This can only occur where the applicant can demonstrate to the satisfaction of Council that there will be no increased impact on pedestrian access when the goods are displayed. Precincts one and two in Byron Bay have been excluded due to high traffic pedestrian volumes.

The pedestrian corridor must be continuous with the frontage of the property and/ or contiguous with the adjoining properties, within a reasonably distinctive section, or portion, of the street/ lane.

Visually impaired people normally use the continuous line of the shop frontages for direction with their guidance sticks. Where the building frontage is not continuous, tactile directional tiles for the visually impaired must be provided, at the applicant's cost. The tiles must be placed on the property boundary 1 frontage and also on the edge of the display areas. Pavement hazard markings must be provided at the ends of display areas to provide delineation to the display areas for the visually impaired and to assist in defining the leased area.

The display of goods is limited to a depth of 1.2 metres across the footpath.

Where the proposed display area extends outside the confines of the associated shop, concurrence of the adjoining shop owner is required, and details are to be supplied indicating that normal trading of the adjoining premises will not be adversely affected, ie, advertising, display areas and public access.

At street intersections, a setback of at least 10.0 metres from the kerb in the opposing street applies. The display area will only be approved where the defined display area is more than 10.0 metres from the approach side and more than 5 metres from the exit side of a pedestrian crossing.

Where a display area is located adjacent to the kerb a walk through area must be provided for motorists that may park adjacent to this area and wish to access the footpath. Walk through areas must be provided at minimum spacings of 6.0 metres (average vehicle length 5-6m), such that on average a person alighting from a vehicle only need travel a distance of 3.0 metres before an accessway through the seating area is available.

Where existing street furniture, planter boxes, utility poles etc. restrict pedestrian traffic adjacent to the building, the pedestrian corridor is to be located away from the building property alignment.

The use of the footpath is not to inhibit access to public utilities such as fire hydrants, access holes, inspection chambers, telephone and electricity underground cables, water service pipes and the like.

Any approvals granted would be subject to any requirements of the Retail Leases Act and no occupation or use of the area of the approval will be permitted until those requirements, if any, are satisfied.

D2.11. Element - Plumbing

Element Objective

To ensure that adequate provision is made for plumbing for water supply and sewer services to commercial development.

Performance Criteria

There are no performance criteria specified for this Element.

Prescriptive Measures

All plumbing including the water service, sanitary drainage system and Liquid Trade Waste Pre-Treatment System require approval under Section 68 of the Local Government Act 1993 or under Section 78A of the Environmental Planning & Assessment Act.

The installation of Liquid Trade Waste Pre-Treatment Systems carries an on-going requirement for maintenance and administration for both the owner and the Council.

Council charges an annual fee to the owner of all land parcels with Liquid Trade Waste Pre-Treatment Systems to cover administration costs. Liquid Trade Waste Pre-Treatment Systems are designed to remove pollutants from the effluent stream and therefore require regular cleaning. Highly polluted effluent removed from Liquid Trade Waste Pre-Treatment Systems, as part of the cleaning process must be delivered to a site^(D) as directed by Council.

Council charges a fee for delivering effluent to a site^(D) as directed by Council

Application fees, Annual Fees & Effluent Storage and Treatment Fees are set out in Council's annually adopted Fees and Charges.

All plumbing works and liquid trade waste pre-treatment systems must be installed in accordance with the NSW Code of Practice Plumbing and Drainage Edition No 2 and the Australian Standard 3500 Parts 1-5, with consideration to Council's Plumbing, Drainage and Trade Waste Policies and generally in accordance with the Department of Land and Water Conservation Guidelines for the On-Site Pre-Treatment Of Trade Waste Discharges To Sewer.

D2.12 Element - Waste Management

Element Objective

- *To provide for an efficient and environmentally responsible means of storage, disposal and collection of waste and recyclable products.*

Performance Criteria

The capacity, size, construction and placement of both trade waste and recyclables storage facilities must be determined according to estimated amounts of wastes and recyclables generated, safe means of collection, cleanliness and unobtrusive effects on the building and neighbourhood.

Development must incorporate convenient access for waste collection.

Waste disposal collection points must not compromise the amenity of adjacent properties in terms of noise, odour or aesthetic impact.

Excavated material, demolition and builder's waste is to be disposed of on landfill sites approved by the Environment Protection Authority and acceptable to Council.

Prescriptive Measures

Commercial Waste - Garbage, trade waste and recyclables storage facilities must meet the following criteria:

Capacity - In accordance with estimated amounts of waste and recyclable material generated.

Size - Capable of accommodating trade waste recyclables arising on the premises together with associated handling equipment and providing sufficient space for loading and unloading, but not harmful to the aesthetics of this and other properties, particularly in terms of bulk.

Construction - Concrete floors or the like must be graded and drained and connected to the sewer where appropriate. Solid walls are to be rendered and smooth, with or without roof covering. Doors, electric lighting, ventilation and water supply must be provided.

Placement - To enable safe and easy access by collectors and collection vehicles within close proximity to street frontages, and screened with landscaping and vegetation.

Access - The roadway curves, where to be negotiated by waste collection vehicle, must be a minimum radius of 11 metres.

D2.13 Element – Street Trees (south eastern end of Jonson Street only, refer to Map D1)

Element Objective

- *To provide shade and contribute to the amenity of the streetscape.*

Performance Criteria

Development for the purpose of commercial land use in land delineated by the thick black line in Map D1 is to incorporate appropriate street tree planting. The plantings are to provide shade for pedestrians, serve as urban habitat trees and enhance the amenity of the streetscape.

Developers are to have regard to the location of any overhead power lines, sight distances, DCP 2010 Chapter 1 Part H - Landscape, and Council Policy 4.16 Planting and Landscaping of Footpaths and Nature Strips within Road Reserves and Drainage Easements.

Prescriptive Measures

A minimum of one tree is to be planted in the road reserve for each 8 metres of street frontage in association with commercial development in land delineated by the thick black line in Map D1. Species selected are to be in accordance with DCP 2010 Chapter 1 Part H-Landscape, and Council Policy 4.16 Planting and Landscaping of Footpaths and Nature Strips within Road Reserves and Drainage Easements. Developers are to have regard to overhead power lines and vehicle sight distances. Suitable species include:

- Eumundi quandong *Elaeocarpus eumundi*
- Blueberry Ash *Elaeocarpus reticulatus*
- Water Gum *Tristaniaopsis laurina*
- Weeping Lilly Pilly *Waterhousia floribunda*
- Firewheel *Stenocarpus sinuatus*
- Hollywood *Pittosporum rhombifolium*
- Coolamon *Syzygium moorei*
- Tuckeroo *Cupaniopsis anacardioides*

D2.14 Element – Footpath Construction (south eastern end of Jonson Street only, refer to Map D1)

Element Objective

- *To encourage walking and cycling by providing safe and convenient movement networks to points of attraction within and beyond the development.*

Performance Criteria

Footpaths are to be designed and constructed, at the developers cost, of appropriate width, longitudinal gradient and sight distance to cater for the number of projected pedestrians and cyclists and other users (e.g the aged, the very young, people with prams and people with disabilities). The footpath is to provide a stable surface for projected users which is easily maintained and enhances the streetscape.

Prescriptive Measures

The width of the footpath, the materials used, laybacks and tactile indicators are to be in accordance with AS 1428.4. The minimum footpath width is to be 2.0m, located adjacent to the property boundary and parallel to the kerb. The linear area between the kerb and footpath is to be deep soil generally covered by turf and used for street tree plantings. For details See Figure D2.15 Building Forms.

The footpath is to be designed and constructed at the developer's cost. The wave patterned exposed aggregate is to be used in accordance with Council drawing Footpath Construction Type Byron Bay CBD.

D2.15 Element – Building forms (south eastern end of Jonson Street only, refer to Map D1)

Element Objective

- *To provide a low scale business area that creates a transition from Commercial to residential land uses.*

Performance Criteria

Building forms delineated by the thick black line in Map D1 should:

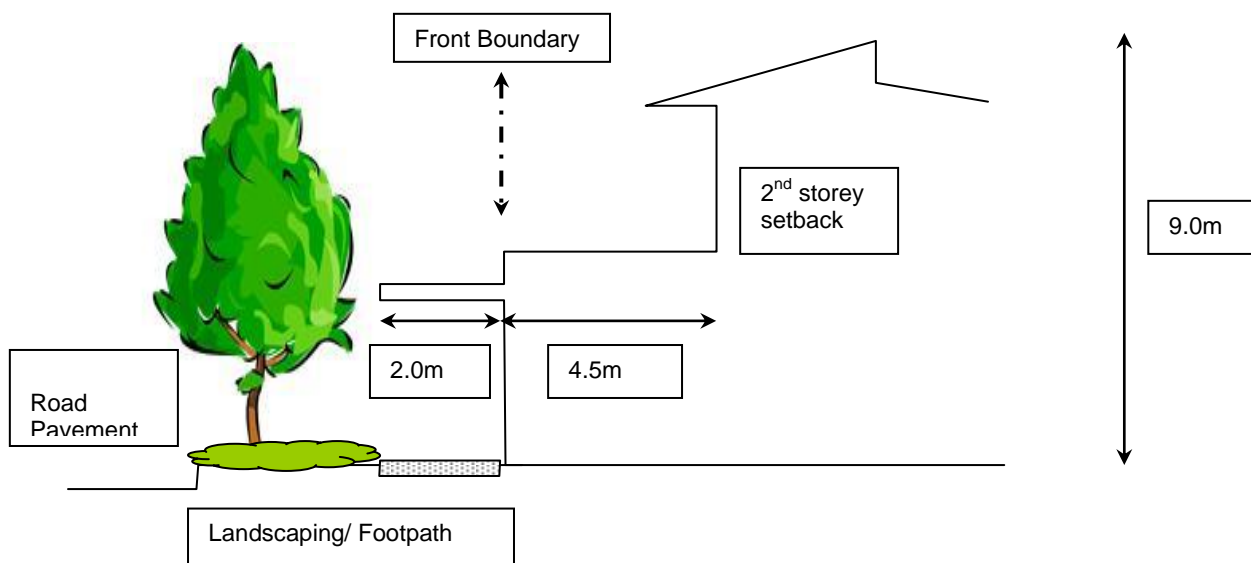
- Ensure new development is limited in height to reflect transition from Commercial to residential zones;
- Relate well to the sub tropical climatic conditions of the area;
- Make a positive contribution to the streetscape;
- Be compatible with local heritage values
- Ensure front setbacks and road frontages provide for a shady attractive environment having regard to the South Jonson Street Precinct's general orientation to the west.
- Frontages to be suitably articulated and larger developments, where lots are consolidated, to incorporate a number of visually integrated but separate building elements to break up the massing of development

Prescriptive Measures

- Buildings to be limited to 9m in height from existing ground level.
- Upper levels (e.g. second storey) to be setback in accordance with part D2.5 and a minimum of 4.5 metres from the road frontage. Where the roof over the ground floor is to be used as a balcony, a planter box to support a mixture of shrubs, ground covers, vines to be located on the street frontage or along the edge of the balcony. The planter box is to be designed to support the appropriate soil depth and plant section. As a minimum the following will be required:

- (i) for ground covers the planter box to have a minimum depth of 300 – 450 mm and a width of 500 mm.
- (ii) For shrubs the planter box to have a minimum depth of 500 – 600 mm and a minimum width of 500 mm.
- (c) Where buildings have a zero line setback awnings over the footpath will be considered. The awnings shall not project further than the outer edge of the formed footpath to allow suitable area for tree planting and landscaping in the front verge. For details see Figure D2.15 Building Forms.
- (d) Where a number of properties are consolidated to form a large commercial holding, large monolithic buildings with unrelieved street frontages which fail to interact with the public domain and pedestrian traffic are not appropriate. In this instance, the street frontage to be broken up into a number of individual shop, restaurant or office frontages.

Figure D2.15 Building Forms
(Not to Scale)



Map D1
South eastern end of Jonson Street Byron Bay – land delineated by the thick black line



Note: ^(D) = definition included in Chapter 1 Part A7 of this DCP

D3. MIXED COMMERCIAL/ RESIDENTIAL DEVELOPMENT WITHIN ZONE 3(a)- (BUSINESS ZONE)

Element Objective

To provide affordable and mixed residential accommodation close to transport, employment and services.

Performance Criteria

Density of development is to be in keeping with the character of the surrounding area and provide a mix of dwelling^(D) sizes to accommodate different family profiles.

Every dwelling^(D) is to be provided with an area of private open space for the sole use by the occupants of that dwelling^(D). The area of private open space is to be located to provide a sense of territory and safety for residents.

The commercial viability of the centre must not be affected in the short or long term by the provision of a residential rather than a commercial component in the development

Residents must be able to be provided with a full range of services and facilities. Private open space areas are to be located to optimise solar access.

Development must be designed to minimise the possibility of noise to the occupants of the dwellings^(D) both from within the development and adjoining developments.

Necessary site^(D) facilities are to be provided such as garbage bin areas/ enclosures, mailboxes, service meters, external storage areas and, where appropriate communal, clothes drying areas.

Site^(D) facilities are to be designed so that they are physically convenient and visually attractive and integrated with the overall development and the streetscape.

Prescriptive Measures

General

The development must not have a density greater than one (1) dwelling^(D) per 150 square metres of site^(D) area and a minimum of 25% of the floor space of any development, not including carparking, must be set aside for commercial/ retail purposes. All ground floor space fronting the street must be devoted to commercial/retail development.

Each dwelling^(D) must have direct access from the main street frontage of the premises (or side street where located on a corner). This may be by means of a separate isolated passage or stairway from such unit to the street frontage, which would allow unrestricted access to the unit without the need to pass through any associated shop or commercial premises. Alternatively, such an access passage may be shared with adjoining development with a similar residential component, providing suitable arrangements are made to ensure legal access is available.

Private Open Space

Every dwelling^(D) unit is to be provided with private open space for the sole use by the occupants of that dwelling^(D). Where the private open space cannot be provided at ground level the dwelling^(D) unit is to be provided with a balcony^(D) or roof terrace

The private open space, whether at ground level or not, is to have a minimum area of 15 sq metres and a minimum width of 2.5 metres. Part of this private open space is to be a minimum of 10 square metres and directly accessible from a living area.

The private open space must have solar access to 50% of its area for at least 3 hours per day. Enclosure of balconies, which provide private open space to a dwelling^(D) unit, will not be permitted.

The private open space area is to be located so to maximise privacy for residents. If necessary the area must be screened by vegetation, a wall or fence, to ensure that the area is private.

The private open space is to be located to ensure that residents are provided with an outlook to public areas rather than over-looking directly onto adjoining buildings.

Amenity of Residents

Noise tolerable areas must be located towards the noise source and noise sensitive areas located further from the noise source (e.g. kitchens, laundries etc toward major front frontages with living and sleeping areas away from road frontages, garbage collection, accessways and parking areas).

Walls or ceilings of attached dwellings^(D) are to have a sound transmission class (STC) of not less than that required by Part F(5) of the Building Code of Australia.

Minimise noise between dwellings^(D) by not locating living areas or garages adjacent to bedrooms of other dwellings^(D).

Adequate lighting is to be provided for all pedestrian paths, parking areas and building entries.

Site Facilities

Site^(D) facility structures, such as garbage bin enclosures, mail boxes and external storage facilities are to be provided. The facilities are to be constructed from waterproof and rot-resistant materials. Facilities are to include facilities to encourage recycling materials on site^(D).

If a central garbage bin enclosure area is provided, it must be conveniently located for the residents and for collection by garbage trucks.

Garbage bin enclosures must not affect the amenity with regard to odour, noise or appearance.

Mailboxes are to be located to enable convenient access for residents and Australia Post. Where a body corporate has been created, an additional mailbox is to be provided for body corporate correspondence. All mailboxes are to be clearly identified with a unit number, with the street number also identified.

All dwellings^(D) must be wholly independent of the commercial portion of the building in respect of such amenities and facilities as toilets, laundries, kitchens, bathrooms etc.

One common television antenna and/or satellite dish is to be provided for each block of units.

Where clothes drying facilities are provided, the area is to be screened from view from the street and is to have access to sunlight.

Dwellings^(D) without private open space at ground level must provide internal laundry facilities in each unit and provide a clothes drying area on site^(D) or a space for a clothes dryer in each unit.

A lockable storage area of 8 cubic metres for each dwelling^(D) is to be provided. This may form part of a carport or garage.

A car washing area is to be provided having dimensions of 7.6m x 3m. This may be part of a visitor car space, driveway or turning area where it can shown that it will not cause undue conflict of use. This area must have water and electricity available and is to be drained by on site^(D) disposal. Where there are separate internal driveway systems within a site^(D), each must have a car washing area.

A separate water meter must be provided for each dwelling^(D).

Chapter 1: Part E

Public Art

Document History

Doc No.	Date Amended	Details Comments eg Resolution No.
#962911		Reported to Council 21 October 2010
#1021375	21 October 2010	Res 10-867 – to exhibit the Public Art section as a new section for the DCP 2002
#1021375		Draft DCP 2010 Part E (public exhibition copy)
#1068277	14 March 2011	Adopted Res 11-169 - Format changes applied
#E2019/6129	30 April 2019	Updated to reflect changes in the 2014 DCP Res 18-840 (public exhibition version)
#E2019/65272	August 2019	Adopted 15 August 2019 Effective 11 September 2019 – Res 19-358

PART E - PUBLIC ART

PART E - PUBLIC ART **1**

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E1 INTRODUCTION

Public Art is defined in the broadest sense as artistic works or activities accessible to the public. The work is of a permanent nature, located in or part of a public space or facility provided by both the public and private sector. Public art also includes the conceptual contribution of an artist to the design of public spaces and facilities.

Council supports Public Art as outlined in the:

- Public Art Policy
- Public Art Strategy
- Public Art Guidelines and Criteria

A Public Art Panel is appointed to provide appropriate specialist advice and recommendations to Council and to oversee the acquisition of public artworks according to the Policy, Strategy and Guidelines and Criteria. The Panel is made up of invited members and community members with specialist expertise and experience in the arena of public art.

More about Public Art can be found on Council's

website <https://www.byron.nsw.gov.au/Community/Arts-and-culture/Public-Art>

E1.1 Objectives of this Section of the DCP

The Objectives of this Section of the DCP are:

1. To implement relevant Strategic Actions and provisions of the Byron Shire Council Cultural Plan and Council's Public Art Policy where they apply to the development process.
2. To recognise the importance of artistic expression to community well-being.
3. To cultivate a climate in which innovative and creative design and public Art contribute to the cultural life, liveability and amenity of Byron Shire.
4. To encourage public art that is:
 - a) Integral to social and cultural development as outlined in the Byron Shire Community Strategic Plan.
 - b) Developed and managed by appropriate procedures and processes
 - c) Created considering standards of excellence, in a professional manner
 - d) Adequately planned with relevant stakeholders throughout the project duration, with partnerships and collaboration encouraged
 - e) Meaningful, aesthetically stimulating and site specific
 - f) Aimed to provide a cultural outcome
 - g) Supportive of local creative industries
5. To facilitate the provision of public art through the development process that:
 - a) Encourages innovative, original work with high artistic merit
 - b) Is reflective and responsive to local culture, including the local Aboriginal context, if relevant
 - c) Adds life, texture and interest to the site

- d) Encourages the use of innovative materials including environmentally sustainable and eco-friendly material
 - e) Is durable, robust, and of quality, low-maintenance materials, and if applicable, be treated with anti-graffiti coating
 - f) Comply with all relevant Australian Standards and Building Codes and Regulations with regard to public safety
 - g) Enhance existing public art assets of the Shire.
6. To specify considerations for the assessment of murals.
 7. To enable equivalent financial contributions in lieu of providing public art.
 8. To specify documents to be provided with a development application for the provision of public art.

E1.2 Development Controlled by this Section of the DCP

1. This Chapter applies to Development Applications for projects that:
 - a) have an estimated cost greater than \$1,000,000 (calculated in accordance with the *Environmental Planning & Assessment Regulation*); and
 - b) are located on land (partly or wholly) within zones 1(a), 2(t), 2(v), 3(a) or 6 (b); and
 - c) include development for one or more of the following purposes:
 - i) Club
 - ii) Commercial premises
 - iii) Entertainment facility
 - iv) Recreation area
 - v) Recreation facility (indoor, major and/ or outdoor)
 - vi) Rural tourist facilities
 - vii) Shop
 - viii) Tourist facilities
2. This chapter applies to residential subdivision of land within the 2(a) zone resulting in 20 lots or greater, with an estimated project cost greater than \$1,000,000 (calculated in accordance with the *Environmental Planning & Assessment Regulation*)
3. This chapter applies to the provision of murals requiring development consent under *Byron LEP 1988, Clause 19 – Development relating to certain heritage items*.

Note:

Unsolicited offers of permanent public art works to which this chapter does not apply, both existing and proposed, will be referred to the Public Art Panel for approval. The panel will consider the art work in the context of Council's:

- Public Art Policy
- Public Art Strategy
- Public Art Guidelines and Criteria

The recommendations of the Public Art Panel will be presented to Council as required. Public art not approved by Council will be subject to removal.

Unsolicited offers of permanent public art to be located on Council owned or managed land are to be managed in accordance with Council's Public Art Guidelines & Criteria.

E2 GENERAL PROVISIONS

E2.1 Provision of Public Art

This section enables 2 assessment pathways for the provision of public art. A flow chart is provided in Appendix E1 that provides an overview of the assessment pathway options.

Objectives

1. To facilitate the provision of public art through the development process.

Performance Criteria

1. In lieu of providing public art, the applicant could enter into a Voluntary Planning Agreement with Council to provide an equivalent financial contribution for the installation of public art in a suitable location.
2. Public art may be located on public land in any of the towns and villages in Byron Shire at the discretion of Council and the Public Art Panel. Council is to be consulted prior to lodgement of a development application for installations on public land.

Note:

Preparation of a Voluntary Planning Agreement (VPA) is to be coordinated with Council's Section 7.11 Officer.

Prescriptive Measures

1. Development to which this Section applies must include the provision of public art to the value of at least 2.5% of development costs (calculated in accordance with the *Environmental Planning & Assessment Regulation*) up to \$2 million, and 1% of further development costs exceeding \$2 million. Where development costs exceed \$5 million, the provision of public art may be negotiated at a value no less than \$80,000.
2. A Public Art Plan is to be prepared that provides details of the proposed public art and must be submitted as part of the Development Application documentation. Council is to be consulted prior to lodgement of a development application. The Public Art Plan must include the following details to the satisfaction of Council and the Public Art Panel:
 - a) A statement that explains the rationale behind the artwork and demonstrates how it will relate to the proposed development and site.
 - b) Details of the nature, materials and form of the proposed public art.
 - c) Define and illustrate the intended location and approximate size of the artwork
 - d) Provide a program for documentation, fabrication and installation, and integration with the construction program for the development.
 - e) Deaccessioning agreements in accordance with Council's Public Art Guidelines & Criteria.
 - f) Evidence of partnerships and/or collaboration and funding sources for the public art project where applicable.
 - g) Evidence of Public Liability Insurance to cover construction and installation of the work.
 - h) Expenditure for the public art and a budget for ongoing maintenance.

3. The Public Art Plan must also demonstrate how the proposed public art meets the following Design Selection Criteria:
 - a) The artwork demonstrates artistic excellence and demonstrates local and cultural appropriateness.
 - b) The public art must be permanent and durable, with consideration given to maintenance requirements and potential for vandalism.
 - c) The design is consistent with the themes outlined in the Public Art Policy and Public Art Strategy.
 - d) Public art must be provided in a location that allows users of the public domain an unobstructed view of the artwork and the ability to freely access and interact with the artwork. Public art will not be considered inside buildings, except for public buildings.
 - e) Meets relevant building and safety standards.

E2.2 Documents to be provided with a development application for the provision of public art

1. Development applications for the provision of public art are to include the following two documents:

- a) Public Art Plan to be submitted by the applicant at the development application stage.

The Public Art Plan must address the Prescriptive Measures outlined in E2.1 and demonstrate how the proposed work will accord with this DCP chapter.

Once submitted, the Public Art Plan will be referred by Council assessment officers to the Public Art Panel for review.

- b) Public Art Report to be submitted by the applicant at the Occupation Certificate Stage.

The Public Art Report is to satisfy Council that the public art has been delivered and the public art commitments have been fulfilled. This will enable the Occupation Certificate to be released. The Public Art Report should provide information about the artworks and artist, the fabrication and installation of the work, the documentation and engineers' drawings, the maintenance requirements, any additional relevant information regarding ownership, and copyright of the work. The Public Art Report is a condition of Occupation Certificate.

2. Where the development application for Public art is associated with a staged development, the following three documents are required:

- a) Preliminary Public Art Plan to be submitted with the Master Plan for Master Plan sites or with the Stage 1 development application.

The Preliminary Public Art Plan should include an analysis of the locational context, planning requirements and any studies pertinent to the public art objectives. It should identify public art opportunities, propose a methodology for the selection and commissioning of artists and provide an estimated budget and program for the inclusion of artists. Once submitted, the Preliminary Public Art Plan will be referred to the Public Art Panel for review.

- b) Public Art Plan to be submitted by the applicant at the DA Stage of a Master Plan site or with the Stage 2 development application

The Public Art Plan must address the Prescriptive Measures outlined in E2.1 and demonstrate how the proposed work will accord with this DCP chapter.

Once submitted, the Public Art Plan will be referred by Council assessment officers to the Public Art Panel for review.

- c) Public Art Report to be submitted at Occupation Certificate Stage

The Public Art Report is to satisfy the Council that the public art has been delivered and the public art commitments have been fulfilled. This will enable the Occupation Certificate to be released. The Public Art Report should provide information about the artworks and artist, the fabrication and installation of the work, the documentation and engineers' drawings, the maintenance requirements, any additional relevant information regarding ownership, and copyright of the work. The Public Art Report is a condition of Occupation Certificate.

E3 Provision of Murals

This section applies to the provision of murals requiring development consent under *Byron LEP 1988, Clause 19 – Development relating to certain heritage items*. This may include murals that impact on a heritage item or are located within a heritage conservation area, or may include murals that impact on an Aboriginal object or Aboriginal place of heritage significance.

Objectives

1. To conserve the environmental heritage of Byron Shire.
2. To facilitate the provision of murals that are appropriate for the location and the community.

Performance Criteria

1. The following considerations are to be addressed in a development application for a mural requiring development consent under *Byron LEP 1988, Clause 19 – Development relating to certain heritage items*:
 - a) Is the artwork suited to a diverse audience?
 - b) Does the mural add to the character and integrity of the location?
 - c) Is the artwork a mural as defined in this DCP or does it meet the definition of signage?
2. Consideration is to be given to the use of mediums that will not affect the original fabric of the heritage item (e.g. mural may be painted on removable ply boards).

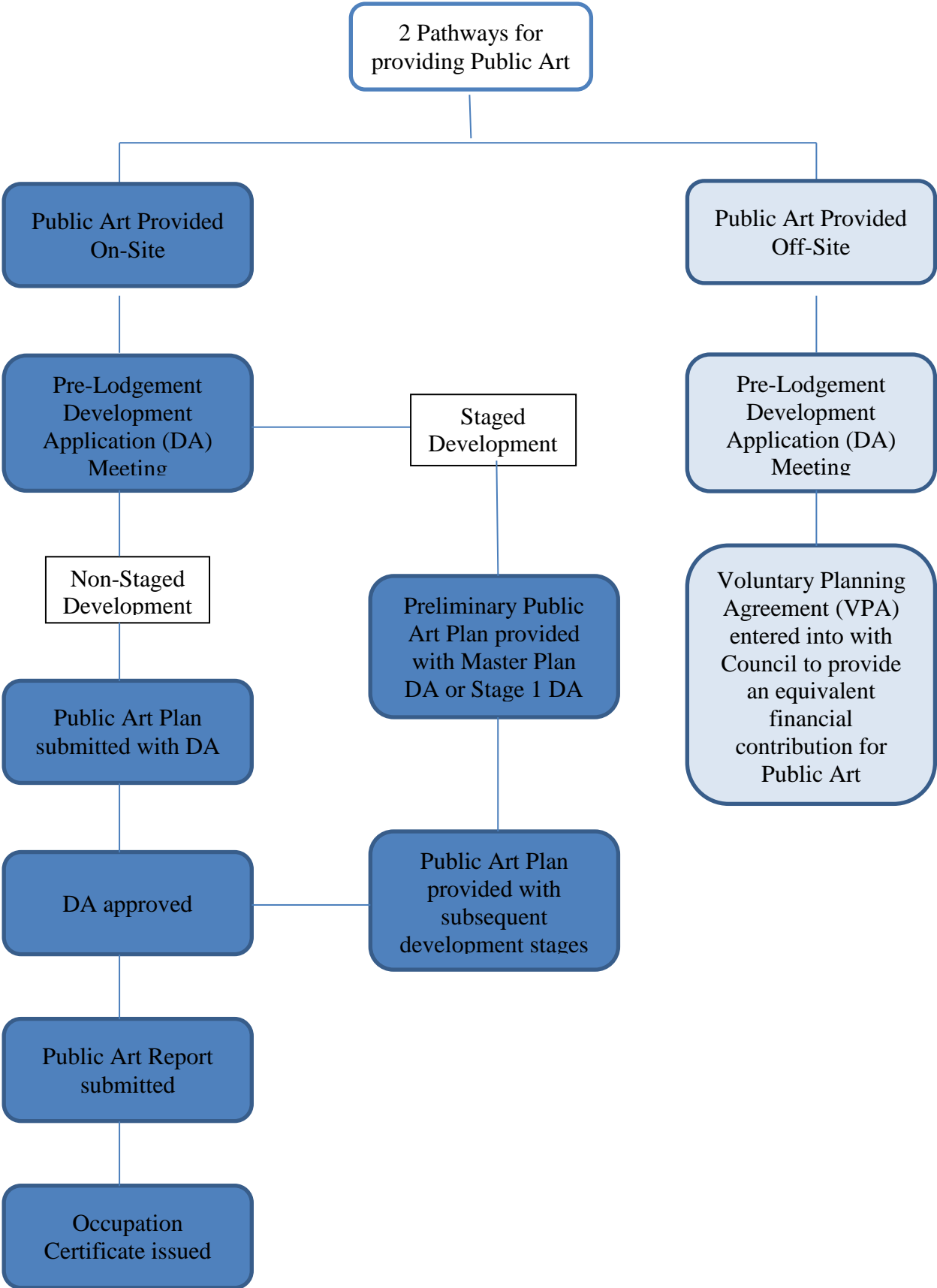
Prescriptive Measures

There are no prescriptive measures.

Note:

Murals that do not require development consent under *Byron LEP 1988* do not require a development application. Where development consent is not required, developers and artists are encouraged to submit their concept to the Public Art Panel for review.

Appendix E1 Assessment Pathways



Chapter 1: Part F

Waste Minimisation and Management

Document History

Doc No.	Date Amended	Details Comments eg Resolution No.
#1031101		Draft - Reported to Council 10 February 2011 Res 11-59 adopted for future public exhibition
#E2013/13987		Draft Prepared for Exhibition
		Reported to Council 9 May 2013 – adopted Res 13-250
E2013/34997	9/5/2013	Adopted Chapter 1 Part F, amended draft with updated footer, effective 1/7/2013

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F1. INTRODUCTION

Waste and resource consumption is a major environmental issue and a priority for all levels of government within Australia. This is particularly the case as landfill sites become scarce and the environmental and economic costs of waste generation and disposal rise. Government and society alike are exposed to the issue of managing the increasingly large volumes of waste generated by our society.

Sustainable resource management and waste minimisation has emerged as a priority action area and a key in the quest for Ecologically Sustainable Development (ESD). Critical actions in this regard include the following (moving from most desirable to least desirable):

1. Avoiding unnecessary resource consumption
2. Recovering resources for reuse
3. Recovering resources for recycling or reprocessing
4. Disposing of residual waste (as a last resort).

The building and construction industry in particular is a major contributor to waste, much of which is still deposited to landfill. The implementation of effective waste minimisation strategies has the potential to significantly reduce these volumes.

Effective waste planning and management can also benefit the builder/developer. Some of the benefits of good waste planning and management include:

1. Reduced costs.
2. Improved workplace safety.
3. Enhanced public image.
4. Compliance with legislation such as the *Protection of the Environment Operation Act 1997* that requires waste to only be transported to a place that can lawfully accept it.

F1.1 Purpose of this Section

This Section of the DCP aims to facilitate sustainable waste management within the Local Government Area in a manner consistent with the principles of ESD.

F1.2 Objectives of this Section

The objectives of this Section of the DCP in pursuit of sustainable waste management include:

Waste minimisation

1. To minimise resource requirements and construction waste through reuse and recycling and the efficient selection and use of resources.
2. To minimise demolition waste by promoting adaptability in building design and focussing upon end of life deconstruction.
3. To encourage building designs, construction and demolition techniques in general which minimise waste generation.
4. To maximise reuse and recycling of household waste and industrial/commercial waste.

Waste management

5. To assist applicants in planning for sustainable waste management, through the preparation of a site waste minimisation and management plan.
6. To assist applicants to develop systems for waste management that ensure waste is transported and disposed of in a lawful manner.

7. To provide guidance in regards to space, storage, amenity and management of waste management facilities.
8. To ensure waste management systems are compatible with collection services.
9. To minimise risks associated with waste management at all stages of development.

F1.3 Development Controlled by this Section of the DCP

This Section of the DCP applies to the following types of development, where that development may be carried out only with development consent:

1. Demolition.
2. Development involving construction, erection of a building or carrying out works.
3. Change of use.

Storage and disposal of liquid waste such as oils, chemicals, grease, interceptor waste and other liquid trade wastes are not covered by this Section of the DCP. Developments that generate these types of waste will require a separate Liquid Trade Waste approval pursuant to Section 68 of the Local Government Act, 1993.

The definitions of various terms used are contained in the Byron LEP 2010 Dictionary, or in the Dictionary to this DCP.

Development that Requires Consent

When determining a development application under Section 79C of the *Environmental Planning and Assessment Act, 1979* (as amended) (The Act), Council must consider the contents of this Section of the DCP. Compliance with the minimum provisions herein does not, however, necessarily mean that an application will be approved, as each application will be considered on its merits.

Exempt and Complying Development

Preparation of a Site Waste Minimisation and Management Plan (SWMMP) is not required for exempt and complying development unless specified in an Environmental Planning Instrument. However, persons carrying out exempt and complying development are encouraged to minimise the generation of waste in the construction and operation of any such use or activity and deal with any waste generated in accordance with the objectives herein.

F1.4 Departures from the Controls of this Section of the DCP

It is accepted that optimum waste minimisation and management will necessitate site specific and sometimes unique solutions. Council may approve variations to the Prescriptive Measures herein in accordance with the principles of merit-based assessment. Any request for variation to the provisions must be in writing and must comprise part of the application. The request must clearly demonstrate that:

1. The objectives of this Section of the DCP and relevant Element Objectives are met,
2. The proposal complies with relevant Element Performance Criteria,
3. Compliance with the relevant provisions is unreasonable or unnecessary in the circumstances of the case, and
4. The proposed variation results in an equivalent or better outcome in terms of ESD.

F1.5 Exempt and Complying Development & the Codes SEPP

The provisions of this DCP do not apply to Exempt and Complying Development that is governed by Byron LEP 2010, or to development that is governed by *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (the 'Codes SEPP'). Under the Codes SEPP, certain development can be either exempt development or complying development.

The Codes SEPP applies to certain types of development in two main ways:

1. The General Exempt Development Code sets out the development standards for certain residential, commercial and industrial premises that can be carried out as exempt development under the Codes SEPP.
2. The General Commercial and Industrial Code aims to simplify the process for approving a change of use, minor external works and internal alterations to some existing commercial and industrial premises.

It is recommended that before preparing to undertake or to seek approval for development you should contact the NSW Department of Planning (website www.planning.nsw.gov.au) to confirm whether or not the provisions of the Codes SEPP apply rather than the controls in Byron LEP 2010 and this DCP. Council's Duty Planner is also available to assist with this.

F1.6 Other NSW Government Statutes

Apart from the Codes SEPP, various other statutory initiatives of the NSW Government may supplement, amend or override the controls in Byron LEP 2010 and this DCP.

It is recommended that before preparing to undertake or to seek approval for development you should contact the NSW Department of Planning (website www.planning.nsw.gov.au) to confirm whether or not the provisions of other Planning Instruments or statutes supplement, amend or override the controls in Byron LEP 2010 and this DCP. Council's Duty Planner is also available to assist with this.

F1.7 Abbreviations

The following abbreviations are used in this Section of the DCP:

BCA	Building Code of Australia
CC	Construction Certificate
DA	Development Application
DCP	Development Control Plan
EPA	Environment Protection Authority
ESD	Ecologically Sustainable Development
SEE	Statement of Environmental Effects
The Act	<i>Environmental Planning and Assessment Act, 1979</i> (as amended)
SWMMP	Site Waste Minimisation and Management Plan

F1.8 Summary Guide to Using This Section of the DCP

This Section of the DCP is designed to be used as follows:

1. Read Section F1 – Introduction

Section F1 provides a background to waste minimisation and management. It details aims and objectives of waste minimisation and management associated with local development and the application of this Section of the DCP.

2. Read Section F2 – Submission Requirements

Section F2 provides specific advice regarding information that must accompany a Development Application (DA) and highlights the requirements of a Site Waste Minimisation and Management Plan (SWMMP).

3. Read Section F3 and F4 – Assessment Criteria/Controls

Sections F3 and F4 detail the criteria and controls that Council will consider in assessing the adequacy of the Site Waste Minimisation and Management Plan, and in addressing the

principles of sustainable waste management. Section F3 details general criteria and controls for all demolition and construction, while Section F4 adds additional criteria and controls for specific types of construction.

4. Read the Appendices — Further Information

The Appendices provide useful information in interpreting this Section of the DCP, understanding the waste minimisation and management environment and documenting the central submission requirement for waste management issues – a Site Waste Minimisation and Management Plan.

F2 SUBMISSION REQUIREMENTS FOR DEVELOPMENT APPLICATIONS (DAs)

F2.1 Documentation required for all DAs

The Statement of Environmental Effects submitted for all development applications must include a Site Waste Minimisation and Management Plan (SWMMP) that addresses the requirements of this Section of the DCP.

In addition to submission of a SWMMP, the waste management facilities proposed as part of the development must be clearly illustrated on the plans and drawings accompanying the development application.

F2.2 Site Waste Minimisation and Management Plans

The level of detail required for the Site Waste Minimisation and Management Plan (SWMMP) will vary with the size and complexity of the proposed development. For example, a DA seeking consent for a single dwelling house would normally require a very simple SWMMP, while a DA seeking consent for a large commercial or industrial complex is likely to require an extensive SWMMP that documents full details of proposed waste generation, management, recycling, storage and disposal measures.

The SWMMP must outline measures to minimise and manage waste generated during:

1. Demolition;
2. Construction; and
3. Ongoing operation and use of the development.

In doing so, the SWMMP must nominate:

- i. The volume and type of waste and recyclables to be generated.
- ii. Proposed measures for storage and treatment of waste and recyclables on site.
- iii. Proposed measures for disposal of residual waste and recyclables.
- iv. Proposed operational procedures for ongoing waste management once the development is complete.
- v. Proposed means of access and manoeuvring for recycling/ waste management bins and vehicles.

The SWMMP must specify the proposed method of recycling or disposal and the waste management service provider.

Appendix A provides a template for the compilation of a SWMMP.

F2.3 Waste/Recycling Generation Rates

In the absence of project specific calculations, the rates specified in **Appendix B - Waste/Recycling Generation Rates** and Council's current rate of provision of services to residential properties can be used to inform the compilation of a SWMMP.

F3 GENERAL DEVELOPMENT CRITERIA

F3.1 Element – Demolition of Buildings or Structures

Element Objectives

1. To maximise resource recovery and minimise residual waste from demolition activities.
2. To optimise adaptive reuse opportunities of existing building/structures.
3. To maximise reuse and recycling of materials.
4. To minimise waste generation.
5. To ensure appropriate storage and collection of waste.
6. To minimise the environmental impacts associated with waste management.
7. To avoid illegal dumping.
8. To promote improved project management.

Performance Criteria

There are no Performance Criteria for this Element.

Prescriptive Measures

A Site Waste Minimisation and Management Plan (SWMMP) must be submitted with development applications seeking consent for demolition. The SWMMP must demonstrate that the proposed development will:

1. Pursue adaptive reuse opportunities of buildings/structures.
2. Identify all waste likely to result from the demolition, and opportunities for reuse of materials. Refer to Table F3.1.
3. Facilitate reuse/recycling by using the process of 'deconstruction', where various materials are carefully dismantled and sorted.
4. Reuse or recycle salvaged materials onsite where possible.
5. Allocate an area for the storage of materials for use, recycling and disposal (giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation, and access and handling requirements).
6. Provide separate collection bins or areas for the storage of residual waste.
7. Clearly 'signpost' the purpose and content of the bins and storage areas.
8. Implement measures to prevent damage by the elements, odour and health risks, and windborne litter.
9. Minimise site disturbance, limiting unnecessary excavation.

When implementing the SWMMP the applicant must ensure that:

- i. Footpaths, public reserves, street gutters are not used as places to store demolition waste or materials of any kind without Council approval.
- ii. Any material moved offsite is transported in accordance with the requirements of the *Protection of the Environment Operations Act (1997)*.
- iii. Waste is only transported to a place that can lawfully be used as a waste facility.
- iv. Generation, storage, treatment and disposal of hazardous waste and special waste (including asbestos) is conducted in accordance with relevant waste legislation administered by the EPA and relevant Occupational Health and Safety legislation administered by WorkCover NSW.

- v. Evidence such as weighbridge dockets and invoices for waste disposal or recycling services are retained.

Note: Materials that have an existing reuse or recycling market should not be disposed of in a landfill. Table F3.1 provides a list of some potential reuse/recycling options. Reuse and recycling opportunities are decreased when asbestos is not carefully removed and segregated from other waste streams.

Table F3.1 Examples of demolition materials and potential reuse/recycling opportunities

<i>Material</i>	<i>Reuse/recycling potential</i>
Concrete	Reused for filling, levelling or road base
Bricks and Pavers	Can be cleaned for reuse or rendered over or crushed for use in landscaping and driveways
Roof Tiles	Can be cleaned and reused or crushed for use in landscaping and driveways
Untreated Timber	Reused as floorboards, fencing, furniture, mulched or sent to second hand timber suppliers
Treated Timber	Reused as formwork, bridging, blocking and propping, or sent to second hand timber suppliers
Doors, Windows, Fittings	Sent to second hand suppliers
Glass	Reused as glazing or aggregate for concrete production
Metals (fittings, appliances and wiring)	Removal for recycling
Synthetic Rubber (carpet underlay)	Reprocessed for use in safety devices and speed humps
Significant Trees	Relocated either onsite or offsite
Overburden	Power screened and used as topsoil
Garden Waste	Mulched, composted
Carpet	Can be sent to recyclers or reused in landscaping
Plasterboard	Removal for recycling, return to supplier

Source: Based on the *Combined Sydney Regional Organisation of Councils Model DCP 1997*.

F3.2 Element – Construction of Buildings or Structures

Element Objectives

1. *To maximise resource recovery and minimise residual waste from construction activities.*
2. *To maximise reuse and recycling of materials.*
3. *To minimise waste generation.*
4. *To ensure appropriate collection and storage of waste.*
5. *To minimise the environmental impacts associated with waste management.*
6. *To avoid illegal dumping.*
7. *To promote improved project management.*
8. *To optimise adaptive reuse opportunities of existing building/structures.*

Performance Criteria

There are no Performance Criteria for this Element.

Prescriptive Measures

A Site Waste Minimisation and Management Plan (SWMMP) must be submitted with development applications seeking consent for construction of buildings or structures. The SWMMP must:

1. Estimate volumes of materials to be used and incorporate these volumes into a purchasing policy so that the correct quantities are purchased. For small-scale building projects see the rates in **Appendix B Waste/Recycling Generation Rates** for a guide.
2. Identify potential reuse/recycling opportunities of excess construction materials.
3. Incorporate the use of prefabricated components and recycled materials.
4. Specify arrangements for the delivery of materials so that materials are delivered 'as needed' to prevent the degradation of materials through weathering and moisture damage.
5. Consider organising to return excess materials to the supplier or manufacturer.
6. Allocate an area for the storage of materials for use, recycling and disposal (considering slope, drainage, location of waterways, stormwater outlets and vegetation).
7. Nominate proposed arrangements to ensure appropriate transport, processing and disposal of waste and recycling; and to ensure that all contractors are aware of the legal requirements for disposing of waste.
8. Promote separate collection bins or areas for the storage of residual waste.
9. Clearly 'signpost' the purpose and content of the bins and storage areas.
10. Specify intended implementation measures to prevent damage by the elements, odour and health risks, and windborne litter.
11. Minimise site disturbance and limit unnecessary excavation.
12. Ensure that all waste is transported to a place that can lawfully be used as a waste facility.
13. Require retention of all records demonstrating lawful disposal of waste and keep them readily accessible for inspection by regulatory authorities such as council, DECC or WorkCover NSW.

F3.3 Element – Bin Sizes and Collection Measures

Element Objectives

1. *To ensure that adequate provision is made for collection, storage and transport of waste for all development, commensurate with the development's scale, nature and potential for waste generation.*
2. *To ensure that the design and provision of waste collection, storage and transport facilities does not create significant adverse impacts on the amenity of the surrounding locality.*
3. *To ensure that the design and provision of waste collection, storage and transport facilities does not create significant adverse parking, cycle or traffic impacts on adjoining roads.*

Performance Criteria

Recycling and waste collection services in Byron Shire provide for two primary levels of on-site waste storage and collection facilities. For smaller scale developments such as individual dwelling houses, small scale multi dwelling housing and low key Business Premises or industries Council provides a kerbside pickup service utilising 80 Litre, 140 Litre and 240 Litre 'wheelie bins'. For larger developments a bulk bin service is required, for which the land owner and/ or occupier must enter into a contractual arrangement with a service provider.

The SWMMP provided with the development application must specify the proposed bin sizes and collection arrangements for the development.

Where collection is proposed by Council's kerbside pickup service, the SWMMP and development application must specify and illustrate in a site plan drawn to a readily legible scale:

1. The site's boundary dimensions and available kerbside/ road frontage space, after deducting existing or proposed access driveways.
2. The kerbside/ road frontage space intended to be occupied by 'wheelie bins' on pickup days, based on the dimensions of the bins proposed. Bin dimensions are available on request from Council.

If the kerbside/ road frontage space intended to be occupied by 'wheelie bins' exceeds 75% of the site's available kerbside/ road frontage space (after deducting existing or proposed access driveways), the SWMMP must include justification of reasons why a bulk bin service should not be provided. That justification must include an analysis of the likely amenity, pedestrian, cycle and traffic impacts of the proposed kerbside/ road frontage bin storage and collection arrangements on pickup day. The analysis must address visual impacts, amenity impacts, pedestrian and cycle impacts and impacts on parking and traffic movement on adjoining roads. In those circumstances Council is unlikely to approve a kerbside pickup service for the development unless it considers that those impacts are likely to be not significant.

Where collection is proposed other than by Council's kerbside pickup service, the SWMMP and development application must specify and illustrate in a site plan drawn to a readily legible scale:

1. The proposed bin storage location, dimensions, pickup vehicle access and manoeuvring arrangements.
2. The proposed means of ensuring that the pickup vehicle can enter and exit the site in a forward direction and can manoeuvre safely on site, consistent with the requirements of Part G - Vehicle Circulation and Parking of this DCP.

Prescriptive Measures

There are no Prescriptive Measures for this Element.

F4 SPECIFIC DEVELOPMENT CRITERIA

F4.1 Element – Single & Semi Detached Dwellings & Dual Occupancy

Element Objectives

1. To encourage source separation of waste, reuse, and recycling by ensuring appropriate storage and collection facilities for waste, and quality design of waste facilities.
2. To maximise reuse and recycling of materials.
3. To minimise waste generation.
4. To ensure appropriate collection and storage of waste.
5. To minimise the environmental impacts associated with waste management.
6. To avoid illegal dumping

Performance Criteria

There are no Performance Criteria for this Element.

Prescriptive Measures

A Site Waste Minimisation and Management Plan (SWMMP) must be submitted with development applications. Plans submitted with the development application and SWMMP must show:

1. The location of an indoor waste/recycling cupboard (or other appropriate storage space) for each dwelling.
2. The location of an onsite waste/recycling storage area for each dwelling, that is of sufficient size to accommodate Council's waste and recycling bins. Indicative bin sizes are shown in **Appendix B - Indicative Bin Sizes**.
3. An identified kerbside collection point for the collection and emptying of Council's waste and recycling bins.

The SWMMP must:

- i. Identify arrangements for waste container storage in a suitable location so as to avoid vandalism, nuisance and adverse visual impacts.
- ii. Demonstrate that any designated area for composting is not likely to adversely impact on adjoining properties.
- iii. Where possible, locate the waste/recycling storage area in the rear yard and minimise the distance of travel to the collection point.
- iv. Demonstrate that the waste storage area will be easily accessible and will have unobstructed access to Council's usual collection point.
- v. Demonstrate that there will be sufficient space within the kitchen (or an alternate location) for the interim storage of waste and recyclables.
- vi. Demonstrate that the placement of bins for collection at the nominated collection point will ensure that adequate traffic and pedestrian safety is maintained.

Note 1: It is the responsibility of dwelling occupants to move bins to the identified collection point no earlier than the evening before collection day and to then return the bins to their storage area no later than the evening of collection day. Bins must remain in their on-site storage area at all other times.

Note 2: There is a general trend towards recycling of food and garden waste, either via on site processes such as composting, worm farms or mulching, or via kerbside collections for garden waste or food and garden waste. Consideration should be given to provision of sufficient space in the waste storage area (or suitable alternate location) for a food/garden waste recycling bin and or a compost bin/worm farm.

Service options available to Single Dwellings, Semi-Detached and Dual Occupancy are described in **Appendix F - Waste and Recycling Collection Service Options.**

F4.2 Element – Multi Dwelling Housing & Residential Flat Buildings

Element Objectives

1. *To encourage source separation of waste, reuse, and recycling by ensuring appropriate storage and collection facilities for waste, and quality design of waste facilities.*
2. *To ensure appropriate waste storage and collection facilities.*
3. *To maximise source separation and recovery of recyclables.*
4. *To ensure waste management systems are as intuitive for occupants as possible and are readily accessible.*
5. *To ensure appropriate resourcing of waste management systems, including servicing.*
6. *To minimise risk to health and safety associated with handling and disposal of waste and recycled material, and ensure optimum hygiene.*
7. *To minimise adverse environmental impacts associated with waste management.*
8. *To discourage illegal dumping by providing on site storage, and removal services.*

Performance Criteria

There are no Performance Criteria for this Element.

Prescriptive Measures

A Site Waste Minimisation and Management Plan (SWMMP) must be submitted with development applications. Plans submitted with the development application and SWMMP must show:

1. The location of an indoor waste/recycling cupboard (or other appropriate storage space) for each dwelling.
2. The location of individual waste/recycling storage areas (such as for townhouses and villas) or a communal waste/recycling storage room(s) able to accommodate Council's waste and recycling bins.
3. The location of any interim storage facilities for recyclable materials.
4. The location of any waste compaction equipment.
5. An identified location for individual compost containers or communal compost container.
6. An identified collection point for the collection and emptying of Council's waste and recycling bins.
7. The path of travel for moving bins from the storage area to the identified collection point (if collection is to occur away from the storage area).
8. The on-site path of travel for collection vehicles (if collection is to occur on-site), taking into account accessibility, width, height and grade.

The SWMMP must address and demonstrate that the following criteria and outcomes will be achieved:

Systems must be designed to maximise source separation and recovery of recyclables.

Waste management systems must be designed and operated to prevent the potential risk or injury or illness associated with the collection, storage and disposal of wastes.

The following minimum collection and storage facilities must be provided:

- i. Each dwelling unit must be provided with an indoor waste/recycling cupboard (or other appropriate storage space) for the interim storage of a minimum one day's garbage and recycling generation.

- ii. Residential flat buildings must include communal waste/recycling storage facilities in the form of a waste/recycling storage room (or rooms) designed in accordance with **Appendix C - Waste Recycling/Storage Rooms in Multi- Dwelling Housing** and the *Better Practice Guide for Waste Management in Multi-Unit Dwellings*.
- iii. Multi Dwelling housing in the form of townhouses and villas must include either individual waste/recycling storage areas for each dwelling or a communal facility in the form of a waste/recycling storage room (or rooms) designed in accordance with **Appendix C - Waste Recycling/Storage Rooms in Multi- Dwelling Housing** and the *Better Practice Guide for Waste Management in Multi-Unit Dwellings*.
- iv. The waste/recycling storage area(s) or room(s) must be of a size that can comfortably accommodate separate garbage, recycling and garden waste containers at the rate of Council provision.
- v. For multi-storey developments that include ten or more dwellings, a dedicated room or caged area must be provided for the temporary storage of discarded bulky items which are awaiting removal. The storage area must be readily accessible to all residents and must be located close to the main waste storage room or area.

The following location and design criteria apply to collection and storage facilities:

- a) In townhouse and villa developments with individual waste/recycling storage areas, such areas must be located and designed in a manner which reduces adverse impacts upon neighbouring properties and upon the appearance of the premises.
- b) There must be an unobstructed and Continuous Accessible Path of Travel (as per *Australian Standard 1428 Design for Access and Mobility - 2001*) from the waste/recycling storage area(s) or room(s) to:
 - i. the entry to any Adaptable Housing (as per *Australian Standard 4299 Adaptable Housing - 1995*)
 - ii. the principal entrance to each residential flat building
 - iii. the point at which bins are collected/emptied.

In instances where a proposal does not comply with these requirements, Council will consider alternative proposals that seek to achieve a reasonable level of access to waste/recycling storage area(s) or room(s).

- c) Communal waste storage areas must have adequate space to accommodate and manoeuvre Council's required number of waste and recycling containers.
- d) Each service room and storage area must be located for convenient access by users and must be well ventilated and well lit.
- e) Where site characteristics, number of bins and length of street frontage allow, bins may be collected from a kerbside location. In instances where kerbside bin collection is not appropriate, bins must be collected onsite. Bins that are collected onsite must be collected either from their usual storage point or from an onsite temporary holding area located inside the property boundary and close to a property entrance.
- f) Where bins cannot be collected from a kerbside location or from a temporary holding area located immediately inside the property boundary, the development must be designed to allow for on-site access by garbage collection vehicles (of dimensions detailed at **Appendix D - Garbage Truck Dimensions for Residential Waste Collection**). In these instances, the site must be configured so as to allow collection vehicles to enter and exit the site in a forward direction and so that collection vehicles do not impede general access to, from or within the site. Access driveways to be used by collection vehicles must be of sufficient strength to support such vehicles. All access design must be consistent with the requirements of Chapter B4 - Traffic Planning, Vehicle Circulation and Parking of this DCP.

Note: As a minimum requirement for collection vehicle access, Council will require indemnity against claims for loss or damage to the pavement or other driving surface. Council may also

require indemnity against liabilities, losses, damages and any other demands arising from any on-site collection service. In all cases, a hazard assessment will need to be conducted prior to Council agreeing to undertake the service.

Should a collection vehicle be required to enter a property, access driveways and internal roads must be designed in accordance with *Australian Standard 2890.2 Parking Facilities – Off-Street Commercial Vehicle Facilities – 2002*, and must comply with the provisions of Chapter B4 - Traffic Planning, Vehicle Circulation and Parking of this DCP.

- g) If Council waste collectors and/or waste collection vehicles are required to enter a site for the purpose of emptying bins, then site specific arrangements must be in place.
- h) If bins need to be moved from normal storage areas to a different location for collection purposes, it is the responsibility of agents of the owners' corporation to move the bins to the collection point no earlier than the evening before collection day and to then return the bins to their storage areas no later than the evening of collection day. Bins must remain in their on-site storage areas at all other times.
- i) Residents must have access to a cold water supply for the cleaning of bins and the waste storage areas. Storage areas must be constructed and designed to be weather proof and easy to clean, with wastewater discharged to sewer.
- j) The design and location of waste storage areas/facilities must be such that they complement the design of both the development and the surrounding streetscape.

The SWMMP must include measures to ensure that agents of the owners' corporation will take responsibility for the management of waste and recyclable materials generated upon the site. Arrangements must be in place in regards to the management, maintenance and cleaning of all waste/recycling management facilities.

Note: There is a general trend towards recycling of food and garden waste, either via on site processes such as composting, worm farms or mulching, or via kerbside collections for garden waste or food and garden waste. This can be difficult to manage in a Multi Dwelling complex, particularly where communal bin storage areas are used and bins are shared. Consideration should be given to provision of an individual compost container for each dwelling (such as in townhouse and villa developments) or for a communal compost container; the siting of which will have regard to potential amenity impacts.

Service options available to Multi-Unit Dwellings are described in **Appendix F - Waste and Recycling Collection Service Options.**

F4.3 Element – Commercial & Retail Development

Element Objectives

1. *To specify recycling and waste management criteria that apply to development to which Section D4 - Commercial and Retail Development of this DCP applies.*
2. *To ensure that new developments and changes to existing developments are designed to maximise resource recovery (through waste avoidance, source separation and recycling); and to ensure that appropriate well-designed storage and collection facilities are accessible to occupants and service providers.*
3. *To ensure appropriate waste storage and collection facilities.*
4. *To maximise source separation and recovery of recyclables.*
5. *To ensure that waste management systems are as intuitive for occupants as possible and readily accessible to occupants and service providers.*
6. *To ensure appropriate resourcing of waste management systems, including servicing.*
7. *To minimise risk to health and safety associated with handling and disposal of waste and recycled material and ensure optimum hygiene.*
8. *To minimise adverse environmental impacts associated with waste management.*

9. To discourage illegal dumping by providing on site storage, and removal services.

Performance Criteria

There are no Performance Criteria for this Element.

Prescriptive Measures

This Element applies to development to which Section D4 - Commercial and Retail Development of this DCP applies.

A Site Waste Minimisation and Management Plan (SWMMP) must be submitted with development applications. Plans submitted with the development application and SWMMP must show:

1. The location of the designated waste and recycling storage room(s) or areas, sized to meet the waste and recycling needs of all tenants.
2. The location of temporary waste and recycling storage areas within each tenancy. These are to be of sufficient size to store a minimum of one day's worth of waste.
3. An identified collection point for the collection and emptying of waste, recycling and garden waste bins.
4. The path of travel for moving bins from the storage area to the identified collection point (if collection is to occur away from the storage area).
5. The on-site path of travel for collection vehicles (if collection is to occur on-site).

The SWMMP must address and demonstrate that the following criteria and outcomes will be achieved:

- i. There must be convenient access from each tenancy to the waste/recycling storage room(s) or area(s). There must be step-free access between the point at which bins are collected/emptied and the waste/recycling storage room(s) or area(s).
- ii. Every development must include a designated waste/recycling storage area or room(s) (designed in accordance with **Appendix E - Commercial/Industrial Waste and Recycling Storage Areas**).
- iii. Depending upon the size and type of the development, it may be necessary to include a separate waste/recycling storage room/area for each tenancy.
- iv. All commercial tenants must keep written evidence on site of a valid contract with a licensed waste contractor for the regular collection and disposal of the waste and recyclables that are generated on site.
- v. Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitting lids so the contents are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage room(s) or area(s).
- vi. Arrangements must be in all parts of the development for the separation of recyclable materials from general waste. Arrangements must be in all parts of the development for the movement of recyclable materials and general waste to the main waste/recycling storage room/area. For multiple storey buildings, this might involve the use of a goods lift.
- vii. The waste/recycling storage room/area must be able to accommodate bins that are of sufficient volume to contain the quantity of waste generated (at the rate described in **Appendix B - Waste/Recycling Generation Rates**) between collections.
- viii. The waste/recycling storage room/area must provide separate containers for the separation of recyclable materials from general waste. Standard and consistent signage on how to use the waste management facilities should be clearly displayed.
- ix. The type and volume of containers used to hold waste and recyclable materials must be compatible with the collection practices of the nominated waste contractor.
- x. Waste management facilities must be suitably enclosed, covered and maintained so as to prevent polluted wastewater runoff from entering the stormwater system.

- xi. Where possible, waste/recycling containers should be collected from a rear lane access point. The servicing location and methodology shall minimise adverse impacts upon residential amenity, pedestrian movements and vehicle movements.
- xii. The size and layout of the waste/recycling storage room/area must be capable of accommodating reasonable future changes in use of the development.
- xiii. A waste/recycling cupboard must be provided for each and every kitchen area in a development, including kitchen areas in hotel rooms, motel rooms and staff food preparation areas. Each waste/recycling cupboard must be of sufficient size to hold a minimum of a single day's waste and to hold separate containers for general waste and recyclable materials.
- xiv. Premises which generate at least 240 litres per week of meat, seafood, poultry or food waste must have that waste collected in mobile garbage bins (wheelie bins) at least twice weekly or must store that waste in a dedicated and refrigerated waste storage area until collection.
- xv. Arrangements must be in place regarding the regular maintenance and cleaning of waste management facilities. Tenants and cleaners must be aware of their obligations in regards to these matters.

Service options available to Commercial Developments are described in **Appendix F - Waste and Recycling Collection Service Options.**

F4.4 Element – Mixed Use Development

Element Objectives

1. *To ensure that new developments and changes to existing development are designed to maximise resource recovery (through waste avoidance, source separation and recycling) and to ensure appropriate, well-designed storage and collection facilities are accessible to occupants and service providers.*
2. *To ensure appropriate waste storage and collection facilities.*
3. *To maximise source separation and recovery of recyclables.*
4. *To ensure waste management facilities are safely and easily accessible to occupants and service providers.*
5. *To ensure appropriate resourcing of waste management systems, including servicing.*
6. *To minimise risk to health and safety associated with handling and disposal of waste and recycled material and ensure optimum hygiene.*
7. *To minimise adverse environmental impacts associated with waste management.*
8. *To discourage illegal dumping by providing on site storage, and removal services.*

Performance Criteria

There are no Performance Criteria for this Element.

Prescriptive Measures

This Element applies to Mixed Use Development (as defined by Byron LEP 2010).

A Site Waste Minimisation and Management Plan (SWMMP) must be submitted with development applications. The SWMMP must address and demonstrate that the following criteria and outcomes will be achieved:

1. The provisions of Element F4.2 – Multi Dwelling Housing & Residential Flat Buildings apply to the residential component of mixed use development.
2. The provisions of Element F4.3 – Commercial & Retail Development apply to the non-residential component of mixed use development.

3. Mixed Use development must incorporate separate and self-contained waste management systems for the residential component and the non-residential component. In particular, the development must incorporate separate waste/recycling storage rooms/areas for the residential and non-residential components. Commercial tenants must be prevented (via signage and other means), from using the residential waste/recycling bins and vice versa.
4. The residential waste management system and the non-residential waste management system must be designed so that they can efficiently operate without conflict. Conflict may potentially occur between residential and non-residential storage, collection and removal systems, and between these systems and the surrounding land uses. For example, collection vehicles disrupting peak residential and commercial traffic flows or causing noise issues when residents are sleeping.

Service options available to Mixed Use Development are described in **Appendix F - Waste and Recycling Collection Service Options.**

F4.5 Element – Industrial Development

Element Objectives

1. *To ensure that new developments and changes to existing developments are designed to maximise resource recovery (through waste avoidance, source separation and recycling) and to ensure appropriate, well-designed storage and collection facilities are accessible to occupants and service providers.*
2. *To ensure appropriate waste storage and collection facilities.*
3. *To maximise source separation and recovery of recyclables.*
4. *To ensure that waste management facilities are as intuitive for occupants as possible and readily accessible to occupants and service providers.*
5. *To ensure appropriate resourcing of waste management systems, including servicing.*
6. *To minimise risk to health and safety associated with handling and disposal of waste and recycled material and ensure optimum hygiene.*
7. *To minimise adverse environmental impacts associated with waste management.*
8. *To discourage illegal dumping by providing on site storage, and removal services.*

Performance Criteria

There are no Performance Criteria for this Element.

Prescriptive Measures

This Element applies to Industrial and other Development referred to in Section D5 – Industrial Development of this DCP.

A Site Waste Minimisation and Management Plan (SWMMP) must be submitted with development applications. Plans submitted with the SWMMP must show:

1. The location of designated waste and recycling storage room(s) or areas sized to meet the waste and recycling needs of all tenants. Waste should be separated into at least 3 streams, paper/cardboard & recyclables, general waste, industrial process type wastes.
2. The on-site path of travel for collection vehicles.

The SWMMP must address and demonstrate that the following criteria and outcomes will be achieved:

- i. The SWMMP must provide evidence of compliance with any specific industrial waste laws/protocols. For example, those related to production, storage and disposal of industrial and hazardous wastes as defined by the *Protection of the Environment Operations Act 1997*.

- ii. There must be convenient access from each tenancy and/or larger waste producing area of the development to the waste/recycling storage room(s) or area(s). There must be step-free access between the point at which bins are collected/emptied and the waste/recycling storage room(s) or area(s).
- iii. Every development must include a designated general waste/recycling storage area or room(s) (designed in accordance with **Appendix E - Commercial/ Industrial Waste & Recycling Storage Areas**), as well as designated storage areas for industrial waste streams (designed in accordance with specific waste laws/protocols).
- iv. Depending upon the size and type of the development, it might need to include separate waste/recycling storage room/area for each tenancy and/or larger waste producing areas.
- v. All tenants must keep written evidence on site of a valid contract with a licensed waste contractor for the regular collection and disposal of all the waste streams and recyclables which are generated on site.
- vi. Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitted lids so the contents are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage room(s) or area(s).
- vii. Arrangements must be in place in all parts of the development for the separation of recyclable materials from general waste. Arrangements must be in place in all parts of the development for the movement of recyclable materials and general waste to the main waste/recycling storage room/area.
- viii. The waste/recycling storage room/areas must be able to accommodate bins that are of sufficient volume to contain the quantity of waste generated between collections.
- ix. The type and volume of containers used to hold waste and recyclable materials must be compatible with the collection practices of the nominated waste contractor.
- x. Waste management storage rooms/areas must be suitably enclosed, covered and maintained so as to prevent polluted wastewater runoff from entering the stormwater system.
- xi. A waste/recycling cupboard must be provided for each and every kitchen area in the development. Each waste/recycling cupboard must be of sufficient size to hold a minimum of a single day's waste and to hold separate containers for general waste and recyclable materials.
- xii. Arrangements must be in place regarding the regular maintenance and cleaning of waste management facilities. Tenants and cleaners must be aware of their obligations in regards to these matters.
- xiii. Production, storage and disposal of hazardous wastes (such as contaminated or toxic material or products) require particular attention. The appropriate laws and protocols must be observed.

Service options available to Industrial Developments are described in **Appendix F - Waste and Recycling Collection Service Options**.

APPENDIX A SITE WASTE MINIMISATION AND MANAGEMENT PLAN TEMPLATE (SWMMP)

NOTE: The level of detail required for the Site Waste Minimisation and Management Plan (SWMMP) will vary with the size and complexity of the proposed development. For example, a DA seeking consent for a single dwelling house would normally require a very simple SWMMP, while a DA seeking consent for a large commercial or industrial complex is likely to require an extensive SWMMP that documents full details of proposed waste generation, management, recycling, storage and disposal measures.

Applicant and Project Details (All Developments)	
Applicant Details	
Application No.	
Name	
Address	
Phone number(s)	
Email	
Project Details	
Address of development	
Existing buildings and other structures currently on the site	
Description of proposed development	
<i>This development achieves the waste objectives set out in the DCP. The details on this form are the provisions and intentions for minimising waste relating to this project. All records demonstrating lawful disposal of waste will be retained and kept readily accessible for inspection by regulatory authorities such as council, DECC or WorkCover NSW.</i>	
Name	
Signature	
Date	

Demolition (All Types of Developments)

Address of development: _____

Refer to Section F3.1 of the DCP for objectives regarding demolition waste.

most favourable



least favourable

	<i>Reuse</i>	<i>Recycling</i>	<i>Disposal</i>	
Type of waste generated	Estimate Volume (m³) or Weight (t)	Estimate Volume (m³) or Weight (t)	Estimate Volume (m³) or Weight (t)	Specify method of on site reuse, contractor and recycling outlet and /or waste depot to be used
Excavation material				
Timber (specify)				
Concrete				
Bricks/pavers/tiles				
Metal (specify)				
Glass				
Furniture				
Fixtures and fittings				
Floor coverings				
Packaging (used pallets, pallet wrap)				
Garden organics				
Containers (cans, plastic, glass)				
Paper/cardboard				
Residual waste				
Hazardous/asbestos waste (specify)				
Other (specify)				

Construction (All Types of Developments)

Address of development: _____

Refer to Section F3.2 of the DCP for objectives regarding construction

most favourable



least favourable

	<i>Reuse</i>	<i>Recycling</i>	<i>Disposal</i>	
Type of waste generated	Estimate Volume (m³) or Weight (t)	Estimate Volume (m³) or Weight (t)	Estimate Volume (m³) or Weight (t)	Specify method of on site reuse, contractor and recycling outlet and/or waste depot to be used
Excavation material				
Timber (specify)				
Concrete				
Bricks				
Tiles				
Metal (specify)				
Glass				
Plasterboard (offcuts)				
Fixtures and fittings				
Floor coverings				
Packaging (used pallets, pallet wrap)				
Garden organics				
Containers (cans, plastic, glass)				
Paper/cardboard				
Residual waste				
Hazardous/special waste (specify)				

Ongoing Operation (Residential, Multi Unit, Commercial, Mixed Use and Industrial)

Address of development: _____

Show the total volume of waste expected to be generated by the development and the associated waste storage requirements.

	<i>Recyclables</i>		<i>Compostables</i>	<i>Residual waste*</i>	<i>Other</i>
	<i>Paper/ cardboard</i>	<i>Metals/ plastics/glas s</i>			
Amount generated (L per unit per day)					
Amount generated (L per development per week)					
Any reduction due to compacting equipment					
Frequency of collections (per week)					
Number and size of storage bins required					
Floor area required for storage bins (m ²)					
Floor area required for manoeuvrability (m ²)					
Height required for manoeuvrability (m)					

* Current “non-recyclables” waste generation rates typically include food waste that might be further separated for composting.

Construction Design (All Types of Developments)

Outline how measures for waste avoidance have been incorporated into the design, material purchasing and construction techniques of the development (refer to Section B8.3.2 of the DCP):

Materials

Lifecycle

Detail the arrangements that would be appropriate for the ongoing use of waste facilities as provided in the development. Identify each stage of waste transfer between residents' units/commercial tenancies and loading into the collection vehicle, detailing the responsibility for and location and frequency of, transfer and collection.

Plans and Drawings (All Developments)

The following checklists are designed to help ensure SWMMPs are accompanied by sufficient information to allow assessment of the application.

Drawings are to be submitted to scale, clearly indicating the location of and provisions for the storage and collection of waste and recyclables during:

- demolition
- construction
- ongoing operation.

Demolition

Refer to Section F3.1 of the DCP for specific objectives and measures. Do the site plans detail/indicate:

	<i>Tick Yes</i>
Size and location(s) of waste storage area(s)	
Access for waste collection vehicles	
Areas to be excavated	
Types and numbers of storage bins likely to be required	
Signage required to facilitate correct use of storage facilities	

Construction

Refer to Section F3.2 of the DCP for specific objectives and measures. Do the site plans detail/indicate:

	<i>Tick Yes</i>
Size and location(s) of waste storage area(s)	
Access for waste collection vehicles	
Areas to be excavated	
Types and numbers of storage bins likely to be required	
Signage required to facilitate correct use of storage facilities	

Ongoing Operation

Refer to Section F4 of the DCP for specific objectives and measures. Do the site plans detail/indicate:

	<i>Tick Yes</i>
Space	
Size and location(s) of waste storage areas	
Recycling bins placed next to residual waste bins	
Space provided for access to and the manoeuvring of bins/equipment	
Any additional facilities	
Access	
Access route(s) to deposit waste in storage room/area	
Access route(s) to collect waste from storage room/area	
Bin carting grade	
Location of final collection point	
Clearance, geometric design and strength of internal access driveways and roads	
Direction of traffic flow for internal access driveways and roads	
Amenity	
Aesthetic design of waste storage areas	
Signage – type and location	
Construction details of storage rooms/areas (including floor, walls, doors, ceiling design, sewer connection, lighting, ventilation, security, wash down provisions etc)	

APPENDIX B WASTE/ RECYCLING GENERATION RATES

Construction Waste

'Rule of Thumb' for renovations and small home building

- Timber 5-7% of material ordered
- Plasterboard 5-20% of material ordered
- Concrete 3-5% of material ordered
- Bricks 5-10% of material ordered
- Tiles 2-5% of material ordered

Source: *Waste Planning Guide for Development Application, Inner Sydney Waste Board, 1998*

Ongoing Operation

<i>Premises type</i>	<i>Waste generation</i>	<i>Recyclable material generation</i>
Backpackers' Hostel	40L/occupant space/week	20L/occupant space/week
Boarding House, Guest House	60L/occupant space/week	20L/occupant space/week
Food premises: Butcher Delicatessen Fish Shop Greengrocer Restaurant, Café Supermarket Takeaway food shop	80L/100m ² floor area/day 80L/100m ² floor area/day 80L/100m ² floor area/day 80L/100m ² floor area/day 240L/100m ² floor area/day 10L/1.5m ² floor area/day 240L/100m ² floor area/day 80L/100m ² floor area/day	Variable Variable Variable 120L/100m ² floor area/day 2L/1.5m ² floor area/day 240L/100m ² floor area/day Variable
Hairdresser, Beauty Salon	60L/100m ² floor area/week	Variable
Hotel, Licensed Club, Motel	5L/bed space/day 50L/100m ² bar area/day 10L/1.5m ² dining area/day	1L/bed space/day 50L/100m ² bar area/day 50L/100m ² dining area/day
Offices	10L/100m ² floor area/day	10L/100m ² floor area/day
Shop less than 100m ² floor area Shop greater than 100m ² floor area	50L/100m ² floor area/day 50L/100m ² floor area/day	25L/100m ² floor area/day 50L/100m ² floor area/day
Showroom	40L/100m ² floor area/day	10L/100m ² floor area/day

Multi-Unit Dwellings ¹	80L/unit/week	40L/unit/week
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Sources: Adapted from *Waverley Council Code for the Storage and Handling of Waste*.

¹ Appendix A, *Better Practice Guide For Waste Management In Multi-Unit Dwellings 2007*

INDICATIVE BIN SIZES

<i>Bin type</i>	<i>Height</i>	<i>Depth</i>	<i>Width</i>
80 Litre Bin	870mm	530mm	450mm
120 Litre Bin	940mm	560mm	485mm
140 Litre Bin	1065mm	540mm	500mm
240 Litre Bin	1080mm	735mm	580mm
1 cubic metre	1400 mm	900 mm	900 mm
1.5 cubic metre	2000 mm	900 mm	900 mm
2 cubic metre	2000 mm	1200 mm	900 mm
3 cubic metre	2000 mm	1400 mm	1200 mm
4.5 cubic metre	2040mm	1470 mm	1800mm

Note: These dimensions are only a guide and differ slightly according to manufacturer, if bins have flat or dome lids or are used with different lifting devices.

APPENDIX C WASTE RECYCLING/STORAGE ROOMS IN MULTI DWELLING HOUSING

Building Code of Australia

Waste/recycling storage rooms must be constructed in accordance with the requirements of the *Building Code of Australia (BCA)*.

Location and Appearance

- Waste/recycling storage rooms must be integrated into the design of the overall development. It is preferable that such rooms be located behind the front building line. Wherever possible, the room should be in a basement location within the main building envelope (rather than a separate stand-alone structure). Materials and finishes visible from outside should be similar in style and quality to the external materials used in the rest of the development.
- Waste/recycling storage rooms must be located and designed in a manner that reduces adverse impacts upon the inhabitants of any dwellings on the site and upon neighbouring properties. The location and design of the room should minimise adverse impacts associated with:
 - the proximity of the room to any dwellings
 - the visibility of the room
 - noise generated by any equipment located within the room
 - noise generated by the movement of bins into and out of the room
 - noise generated by collection vehicles accessing the site; and
 - odours emanating from the room.

Size

- Waste/recycling storage rooms must be of adequate size to comfortably accommodate all waste and recycling bins associated with the development.

Layout

- The gradient of waste/recycling storage room floors and the gradient of any associated access ramps must be sufficiently level so that access for the purpose of emptying containers can occur in accordance with WorkCover NSW Occupational Health and Safety requirements.
- Within waste/recycling storage rooms, containers used for the storage of recyclable materials should be kept separate from (but close to) general waste containers — so that the potential for contamination of recyclable materials is minimised.

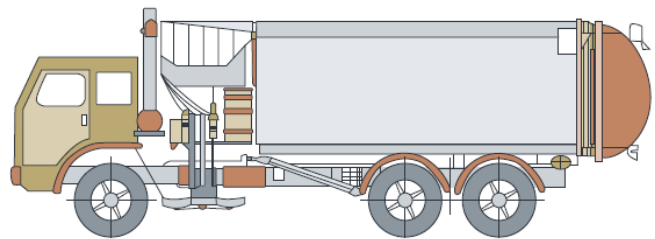
APPENDIX D GARBAGE TRUCK DIMENSIONS FOR RESIDENTIAL WASTE COLLECTION

This page includes information regarding the dimensions of garbage trucks that are typically used for the collection of residential waste. Developments that require Council garbage trucks to enter the site for the collection of residential waste must be designed to accommodate on-site truck movement.

Requirements regarding vehicle turning circles and driveway width/gradient are contained in *Australian Standard 2890.2 2002/Planning Facilities — off street commercial vehicles*.

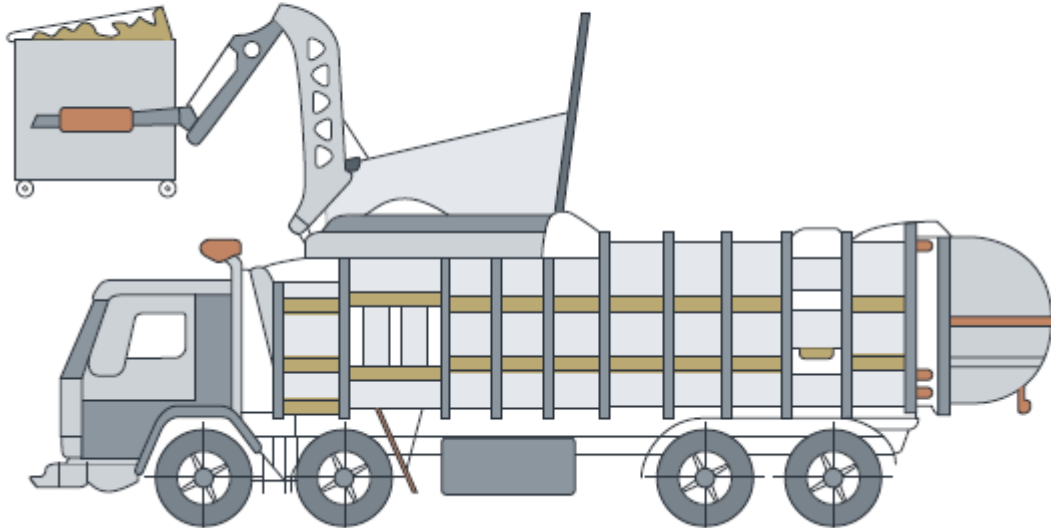
It is recommended that an applicant speak with Council's Waste Services Coordinator in regards to the design of development proposals that involve garbage trucks entering the site. Services will not be provided where there are undue risks.

Side-loading collection vehicle	
Length overall	9.64m
Front overhang	1.51m
Wheelbase	5.20m
Rear overhang	2.93m
Turning circle kerb to kerb	17.86m
Turning circle wall to wall	20.56m
Front of vehicle to collection arm	3.8m
Maximum reach of side arm	3.0m
Travel height	3.63m
Clearance height for loading	3.9m



This is the most commonly used vehicle for domestic garbage and recycling collections. It is only suitable for collecting MGBs up to 360 litres in size.

Front-lift loading collection vehicle



Front-lift loading collection vehicle	
Length overall	10.52m
Front overhang	1.51m
Wheelbase	5.84m
Rear overhang	3.17m
Turning circle kerb to kerb	22.10m
Turning circle wall to wall	23.66m
Travel height	3.82m
Clearance height for loading	6.1m

This is mainly used for collecting commercial and industrial waste, and is only suitable for bulk bins with front lift pockets (not MGBs).

Source of diagram: *Better Practice Guide for Waste Management in Multi-Unit Dwellings*, DECC 2008.

APPENDIX E COMMERCIAL/ INDUSTRIAL WASTE & RECYCLING STORAGE AREAS

Building Code of Australia

- Waste/recycling storage areas must be constructed in accordance with the requirements of the Building Code of Australia (BCA).

Location and appearance

- Waste/recycling storage areas must be integrated into the design of the overall development. Materials and finishes that are visible from outside should be similar in style and quality to the external materials used in the rest of the development.
- Waste/recycling storage areas must be located and designed in a manner that reduces adverse impacts upon neighbouring properties and the streetscape. The location and design of the areas should minimise adverse impacts associated with:
 - the proximity of the area to dwellings
 - the visibility of the area
 - noise generated by any equipment located within the area
 - noise generated by the movement of bins into and out of the area
 - noise generated by collection vehicles accessing the site; and
 - odours emanating from the area.

Size

- Waste/recycling storage areas must be of adequate size to comfortably accommodate all waste and recycling bins associated with the development.
- Waste/recycling storage areas must be able to accommodate separate general waste bins and recycling bins which are of sufficient volume to contain the quantity of waste generated (at the rate described in **Appendix B**) between collections.

Layout

- The gradient of waste/recycling storage area floors and the gradient of any associated access ramps must be sufficiently level so that access for the purpose of emptying containers can occur in accordance with WorkCover NSW Occupational Health and Safety requirements.
- Within waste/recycling storage areas, containers used for the storage of recyclable materials should be kept separate from (but close to) general waste containers — so that the potential for contamination of recyclable materials is minimised.

Access: waste/recycling collection

- The development must be designed to allow access by collection vehicles used by the nominated waste contractor. Wherever possible, the site must be configured to allow collection vehicles to enter and exit the site in a forward direction and so collection vehicles do not impede general access to, from and within the site. Access driveways to be used by collection vehicles must be of sufficient strength to support such vehicles.
- Servicing arrangements for the emptying of bins must be compatible with the operation of any other loading/unloading facilities on-site.

- Access for the purpose of emptying waste/recycling storage containers must be able to occur in accordance with WorkCover NSW Occupational Health and Safety requirements.

Access: general

- In commercial development, public buildings and industrial development, there must be convenient access from each tenancy to the waste/recycling storage area(s). There must be step-free access between the point at which bins are collected/emptied and the waste/recycling storage area(s).
- Arrangements must be in place so that the waste/recycling storage area is not accessible to the general public.
- Vermin must be prevented from entering the waste/recycling storage area.

Surfaces

- Waste/recycling storage areas must have a smooth, durable floor and must be enclosed with durable walls/fences that extend to the height of any containers which are kept within.

Doors/gates

- Doors/gates to waste/recycling storage areas must be durable. There must be a sign adjacent to the door/gate that indicates that the door/gate is to remain closed when not in use. All doors/gates are to be openable from both inside and outside the storage area and must be wide enough to allow for the easy passage of waste/recycling containers.

Services

- Waste/recycling storage areas must be serviced by hot and cold water provided through a centralised mixing valve. The hose cock must be protected from the waste containers and must be located in a position that is easily accessible when the area is filled with waste containers.
- The floor must be graded so that any water is directed to a sewer authority approved drainage connection located upon the site. In the SMA this is Sydney Water.

Signage

- Waste/recycling storage areas must include signage that clearly describes the types of materials that can be deposited into recycling bins and general garbage bins.

Management

- Arrangements must be in place for the regular maintenance and cleaning of waste/recycling storage areas. Waste/recycling containers must only be washed in an area which drains to a sewer authority approved drainage connection. In the SMA this is Sydney Water.

The *Better Practice Guide for Waste Management in Multi-Unit Dwellings* gives detailed information about waste recycling/storage rooms and facilities. The Guide was substantially reviewed in 2007 and is available on the Department of Environment and Climate Change NSW website (www.environment.nsw.gov.au). Further updates will be published as further information from social research and waste stream audits becomes available.

APPENDIX F WASTE & RECYCLING COLLECTION SERVICE OPTIONS

1. Urban Residential (Single Dwellings, Semi-Detached and Dual Occupancy)

Includes the following locations that receive the Council Urban weekly waste collection service: Bangalow, Bayside Brunswick, Belongil, Billinudgel (town only), Brunswick Heads, Byron Bay, Byron Hills, Ewingsdale, Mullumbimby, New Brighton, Ocean Shores, South Golden Beach, Suffolk Park, Wategos Beach. (Applicants are to confirm service category)

<i>Bin type</i>	<i>Bin Size</i>	<i>Collection Frequency</i>	<i>Bin Collected From</i>
Waste (Red Lid)	80 Litre Bin	Weekly	Kerbside
Waste (Red Lid)	140 Litre Bin	Weekly	Kerbside
Waste (Red Lid)	240 Litre Bin	Weekly	Kerbside
Recycling (Yellow Lid)	240 Litre Bin	Fortnightly	Kerbside

Conditions

- Service is **compulsory** and each rateable property (assessment) will be charged for a service.
- Where two dwellings are located on one property (Dual Occupancy and or Semi Detached) and are rated as a single rates assessment, sharing of bins is permissible unless other arrangements are required as a condition of consent.
- Waste and recycling bins are supplied and maintained by Council and remain the property of Council.
- Only the owner of a property or their agent can request a new service or a change in the size of a waste bin.
- Bins must be used for the purpose provided. Items accepted in Council's recycling program must not be placed in the red lidded waste bin. Non-recyclable waste must not be placed in the yellow lidded recycling bins.

2. Rural Residential (All Residential Dwelling Types including Single Dwelling, Semi-Detached, Dual Occupancy, Multiple Occupancy)

Includes premises in the Rural Waste Collection area.

Note: Some areas can not be accessed by waste and recycling collection trucks. (Applicants are to confirm service category)

<i>Bin type</i>	<i>Bin Size</i>	<i>Collection Frequency</i>	<i>Bin Collected From</i>
Waste (Red Lid)	240 Litre Bin	Fortnightly	Kerbside
Recycling (Yellow Lid)	240 Litre Bin	Fortnightly	Kerbside

Conditions

- The Rural Service is **optional** for rural properties in the rural waste collection area unless other arrangements are required as a condition of consent.
- Waste and recycling bins are supplied and maintained by Council and remain the property of Council.
- Only the owner of a property or their agent can request or cancel a service.
- Bins must be used for the purpose provided. Items accepted in Council's recycling program must not be placed in the red lidded waste bin. Non-recyclable waste must not be placed in the yellow lidded recycling bins.
- Owners of properties located in the Rural Waste Collection Area that choose not have a waste and recycling service may be required to provide evidence of appropriate lawful disposal of waste generated at the premises.

3. Multi Unit Dwellings (Town Houses, Flats and Villas)

Multi Unit Dwelling Complexes (MUDS) have two options for waste and recycling services. Option 1 is a shared bin arrangement utilizing communal bin storage areas each catering for at least 2 units. Option 2 requires allocation of a waste and recycling bin to each unit and storage of bins in individual waste/recycling storage areas.

For new developments, the applicant must determine and include in the SWMMP the preferred option for waste and recycling services.

The number of bins required at each complex shall be determined in accordance with the generation rates for Waste and Recyclables for Multi Unit Dwellings in Appendix B. **Note:** These rates are the minimum requirement

3a. MUDS - Option 1 Shared Bin Arrangement

<i>Bin type</i>	<i>Bin Size & Sharing Ratio</i>	<i>Collection Frequency</i>	<i>Bin Collected From</i>
Waste (Red Lid)	240 Litre Bin shared at the rate of 1 bin per 2 units	Weekly	Kerbside
Recycling (Yellow Lid)	240 Litre Bin shared at the rate of 1 bin per 2 units	Weekly	Kerbside

Conditions

- Service is compulsory for each unit and each rateable property (assessment) will be charged for a service. For residential flat buildings on a single rates assessment, service charges for the entire complex will be charged to the single rates assessment
- Service is **compulsory** and each rateable property (assessment) will be charged for a service.
- Waste and recycling bins are supplied and maintained by Council and remain the property of Council.
- Only the owner of a property or their agent can request a new service.
- Once established, the service option for Multi-Unit Dwelling complexes can only be changed at the written request of the owners of all units, subject to the written approval of Council

- All dwellings within a unit complex must have the same service options as other units unless otherwise approved by Council in writing.
- Bins must be used for the purpose provided. Items accepted in Council's recycling program must not be placed in the red lidded waste bin. Non-recyclable waste must not be placed in the yellow lidded recycling bins.

3b. MUDS - Option 2 Waste and Recycling Bin for Each Unit

<i>Bin type</i>	<i>Bin Size</i>	<i>Collection Frequency</i>	<i>Bin From</i>	<i>Collected</i>
Waste (Red Lid)	80 Litre Bin	Weekly	Kerbside	
Waste (Red Lid)	140 Litre Bin	Weekly	Kerbside	
Waste (Red Lid)	240 Litre Bin	Weekly	Kerbside	
Recycling (Yellow Lid)	240 Litre Bin	Fortnightly	Kerbside	

Conditions

- Service is compulsory for each unit and each rateable property (assessment) will be charged for a service. For residential flat buildings on a single rates assessment, service charges for the entire complex will be charged to the single rates assessment
- Service is **compulsory** and each rateable property (assessment) will be charged for a service.
- Waste and recycling bins are supplied and maintained by Council and remain the property of Council.
- Only the owner of a property or their agent can request a new service or a change in the size of a waste bin.
- Once established, the service option for Multi-Unit Dwelling complexes can only be changed at the written request of the owners of all units, subject to the written approval of Council
- All dwellings within a unit complex must have the same service options as other units unless otherwise approved by Council in writing.
- Bins must be used for the purpose provided. Items accepted in Council's recycling program must not be placed in the red lidded waste bin. Non-recyclable waste must not be placed in the yellow lidded recycling bins.

4. Commercial, Industrial and Mixed Use Premises

Residential units within mixed use premises are required to have residential waste and recycling services as outlined in this chapter.

Commercial and industrial premises may be serviced by private contractors or via Council at their discretion. The following table provides a summary of the standard waste and recycling collection services available in Byron Shire.

Bin type	Bin Size	Collection Frequency	Bin Collected From	Service Provider
Waste (Red Lid)	140 or 240 Litre Wheelie Bin	Weekly or Twice Weekly	Kerbside	Council
RURAL Waste (Red Lid)	240 Litre Bin	Fortnightly	Kerbside	Council
BULK WASTE	1 to 4 cubic metres	Up to Daily	Storage Area or Wheel in-out	Private Contractors
Recycling (Yellow Lid)	240 Litre Bin	Weekly or Twice Weekly	Kerbside	Council
RURAL Recycling (Yellow Lid)	240 Litre Bin	Fortnightly	Kerbside	Council
BULK CARDBOARD	1 to 4 cubic metres	Up to Daily	Storage Area or Wheel in-out	Private Contractors

The above list includes only the standard range of waste and recycling services current and is subject to change. Additional collection services and arrangements may be available. For example – wheelie bin services may be available from private contractors.

Conditions

- Waste and recycling bins provided by Council are supplied and maintained by Council and remain the property of Council.
- Bins must be used for the purpose provided. Items accepted in Council's recycling program must not be placed in the red lidded waste bin. Non-recyclable waste must not be placed in the yellow lidded recycling bins.

Chapter 1: Part G

Vehicular Circulation and Parking

Document History

Doc No.	Date Amended	Details Comments eg Resolution No.
#312305	25 November 2004	Res 04-727 G2 – Development Standards Amendment No. 5
#312305	14 October 2010	Res 10-696 - to create Draft DCP 2010 for public exhibition
#1017122		Draft DCP 2010 Part G (public exhibition copy)
#1068528	14 March 2011	Adopted Res 11-169 – format changes applied
#1102380	9 June 2011	Res 11-476 – amend Section 2.3 and Tables G2.1 – 2.4 re bicycle parking (public exhibition copy)
#1129518	11 August 2011	Adopted Res 11-569 - amend Section 2.3 and Tables G2.1 – 2.4 re bicycle parking

PART G – VEHICLE CIRCULATION AND PARKING

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<i>What are the Objectives of this Part?</i>	G3
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Note: ^(D) = definition included in Chapter 1 Part A7 of this DCP

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G1. INTRODUCTION

What is the purpose of this Part?

The primary purpose of this Part of the DCP is to provide guidelines, controls and standards for vehicle access, circulation and parking for developments.

What are the Objectives of this Part?

The Objectives of this Part of the DCP are:

- To ensure that adequate provision is made for off-street parking and vehicle access in accordance with the volume and turnover of traffic likely to be generated by the development.
- To outline the parking requirements relating to all forms of development.
- To encourage the creation of car parking and service vehicle areas that enhance the function and appearance of the development.
- To assist those involved in the design of service and parking areas to provide efficient, usable space for those activities.
- To preserve the safety and efficiency of the arterial road system as a carrier of through traffic.

What will Council take into account?

In determining the provision of car parking, vehicle access and associated works, Council will take the following matters into account:

(a) The location, type and scale of the proposed development

While this Plan provides detailed standards relating to the provision of car parking and vehicle access, each proposal must recognise the inherent characteristics of the site and/or the development that may necessitate some variation of standard requirements.

(b) The availability and accessibility of existing public car parking areas

Under certain circumstances, it may be of greater benefit to utilise, enhance or expand existing public parking areas, than to provide on-site parking. In such cases, Council may require a monetary contribution in lieu of on-site provision of parking.

(c) The compatibility of the car parking location and design with adjoining properties

Small, fragmented parking areas are not as efficient as larger, consolidated layouts. Accordingly, the developer must attempt, where possible, to integrate parking areas in order to minimise traffic interference, maximise parking yields and ensure good car park design.

(d) The existing level of on-site car parking, when the proposal is for redevelopment.

Council will consider the amount of car parking provided for any existing development and may require additional car parking spaces or a monetary contribution for additional floorspace or a change in use.

(e) The nature and volume of traffic on the adjoining street network.

Council will consider the location of entrance and exit driveways and the potential impact of traffic on adjoining streets when assessing options regarding the extent of on-site parking versus contributions.

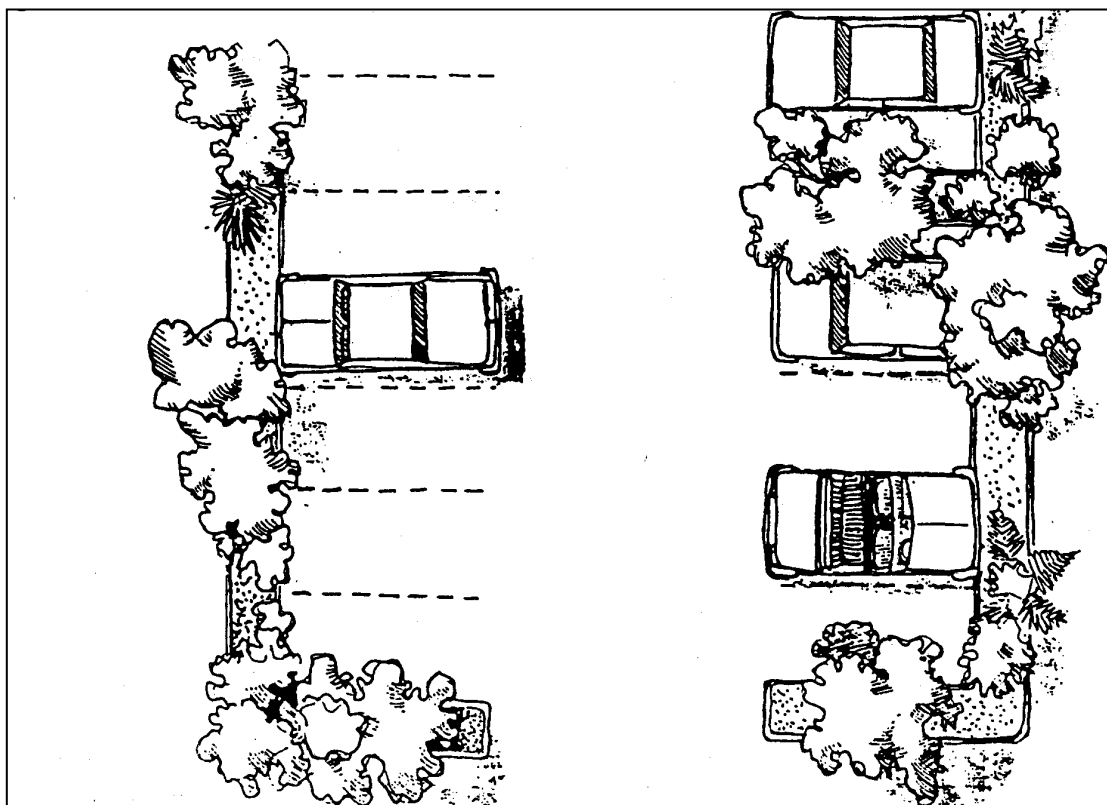
- (f) The guidelines of the NSW Roads and Traffic Authority or the relevant Australian Standard.

Where this Plan provides no specific guidelines as to parking, loading or access requirements, Council will apply the Guidelines to Traffic Generating Developments published by the NSW Roads and Traffic Authority or the Australian Standard for Parking Facilities - AS 2890.

- (g) Referral to the local Traffic Committee or the NSW Roads and Traffic Authority

Referral will be made as required by:

- (i) NSW Roads and Traffic Authority- Procedures for Consultation on Traffic Generating Developments
- (ii) Delegation of Traffic Authority Powers



G2. DEVELOPMENT STANDARDS

G2.1 Element – Parking Schedules

Element Objective

To provide sufficient and convenient parking to meet user needs.

Performance Criteria

Parking and service vehicle areas must be provided according to projected needs.

Parking surveys and studies must provide relevant projections of parking likely to be generated by a development.

Prescriptive Measures

The total parking requirement of a development will be assessed on the cumulative basis of all activities to be carried out on the site. The schedules in this Part show the minimum requirement for parking spaces for different types of activity. Applicants must refer also to other parts of this Plan which give parking requirements specific to particular activities.

The requirements for any use or activity not specifically listed in these schedules will be determined according to the merits of the proposal, with reference, where appropriate, to the guidelines provided by the NSW Roads and Traffic Authority.

The total parking provision for developments may be reduced if it can be demonstrated that the peak parking demand of each facility on the development site will not coincide. Factors such as time of usage, and possible future usage, must be taken into consideration when meeting parking requirements.

In the following schedules, where reference is made to car parking spaces per rooms, units, beds etc., the reference should be taken to mean that number or a part thereof, eg. "1 per 2 bedrooms" means "1 car parking space for every two bedrooms or part thereof".

Where the number of spaces is expressed as a decimal, eg. "1.25 per unit", the total number of spaces so determined will be rounded up to the next whole number unless stated otherwise.

For example, if 1.25 spaces are required per unit, then for 5 units the requirement will be 6.25 spaces, ie. when rounded up, 7 spaces. Similarly, 7 units at 1.25 per unit will require 9 car parking spaces.

For the purpose of calculating Section 94 contributions in lieu of providing car spaces, fractions will be used rather than rounding to the nearest whole number.

Residential - Table G2.1

The areas referred to are the floor plan areas^(D) excluding balconies^(D).

Type of development	Minimum car parking spaces	Special Requirements	Bicycle Parking
Dwelling-house^(D) (including expanded house ^(D)) ≤ 100m ² > 100m ²	1 2 plus 1 per 2 bedrooms over 4 bedrooms (rounded down)	One space must be capable of being covered. Stacked parking may be permitted.	For Boarding House 1 space per Bed
Dual occupancy^(D) Dwellings ^(D) ≤ 75m ² Dwellings ^(D) > 75m ²	1 per dwelling 2 per dwelling	One (1) space must be capable of being covered.	
Home office (as defined under Byron LEP) Doctor, Dentist, Health Care Professional Other professionally qualified practitioners (e.g. Architect, Accountant, Engineer, Solicitor)	2 per surgery or consulting room plus 1 per practitioner plus 1 for the employee (if applicable) plus parking requirements for the dwelling ^(D) . 1 per practitioner, plus 1 for the employee (if applicable) plus parking requirements for the dwelling ^(D) .		1 space per consulting room
Multiple occupancy^(D) Dwellings ^(D) ≤ 100m ² Dwellings ^(D) > 100m ²	1 per dwelling ^(D) 2 per dwelling ^(D) plus 1 per 2 bedrooms over 4 bedrooms (rounded down)	One (1) space must be capable of being covered. Stacked parking may be permitted.	
Rural worker's dwelling	1 per dwelling		
Residential flat building or group dwelling^(D) development: Small units < 55m ² Medium units 55-85m ² Large units > 85m ²	1 per unit 1.5 per unit 2 per unit <u>Plus</u> 1 visitor space per 4 units.	One (1) space per unit must be covered.	2 per unit

Development Control Plan 2010 – Chapter 1 Part G – Vehicular Circulation and Parking
Adopted 11 August 2011 Effective 25 August 2011 (#1129518)

Note: ^(D) = definition included in Chapter 1 Part A7 of this DCP

Type of development	Minimum car parking spaces	Special Requirements	Bicycle Parking
Residential Flat Development or Group Dwellings^(D) in a mixed commercial/residential development in the commercial Zone No. 3(a)(Business Zone) and Zone No. 7(f2)(Urban Coastal Land Zone)	1 per unit < 85m ² and 2 per unit > 85m ² plus 1 visitor unit per 4 units		2 per unit
Housing for older people or people with a disability	Refer to State Environmental Planning Policy No. 5		

Tourist accommodation - Table G2.2

Type of development	Minimum car parking spaces	Special Requirements	Bicycle Parking
Bed and Breakfast^(D)	1 per guest room plus parking requirements for the dwelling-house ^(D) .	One (1) space must be covered. Stacked parking may be permitted. In urban areas, no car parking spaces are to be provided forward of the building line (between the dwelling-house ^(D) and the street) unless suitable screening has been provided.	1 Space
Caravan park^(D)	1 per caravan or camping site Plus 1 visitor space per 10 sites Plus 1 for manager		As required for convenience store at Site Office
Hotel	see table G2.4 – Other		
Motel^(D) or cabins <20 m ² 20-30 m ² > 30 m ²	1 per unit 1.25 per unit 1.5 per unit Plus 1 per 2 employees Plus for restaurant and / or function room: 1.5 per 10 m ² gross floor area ^(D) or 1 per 3 seats, whichever is the greater.	If a restaurant and /or function room serves motel ^(D) customers only then additional parking may not be required.	2 spaces
Hostel^(D)	1 per 4 beds, plus 1 bus bay per 30 beds, plus 3 spaces (for staff)		1 per 5 beds

Development Control Plan 2010 – Chapter 1 Part G – Vehicular Circulation and Parking
Adopted 11 August 2011 Effective 25 August 2011 (#1129518)

Note: ^(D) = definition included in Chapter 1 Part A7 of this DCP

Recreation establishment	Survey of other similar developments and merit assessment to be submitted for consideration.		Merit Assessment
Rural tourist facility^(D)	Survey of other similar developments and merit assessment to be submitted for consideration.		Merit Assessment

Industrial

Refer to DCP 2010 Chapter 15 Industrial Development.

Commercial - Table G2.3

Type of development	Minimum car parking spaces	Special Requirements	Bicycle Parking
Commercial / retail premises / office	1 per 20m ² gross floor area ^(D)		1/ 200 m2 of gross floor area for staff and 2 for customers
Motor Showroom	1 per 100 m ² of total useable site area ^(D) plus 5 per work bay for vehicle servicing facilities.		Merit Assessment
Restaurant/Refreshment room (including open outdoor eating areas) / Conference Centre.	1 per 7.5 m ² gross floor area ^(D) or 1 per 3 seats, whichever is the greater.	If operating outside business hours 9am to 5pm, 1 per 15 m ² gross floor area ^(D) or 1 per 6 seats, whichever is greater.	1/ 25 m2 of gross floor area for staff and 2 for customers
Drive-in/takeaway outlet	1 per 8 m ² gross floor area ^(D) plus 1 per 5 seats.		1/ 100 m2 of gross floor area for staff and 1 / 50m2 of gross floor area for customers
Service station/convenience Store	5 per work bay plus 1 per 20 m ² gross floor area ^(D) of convenience store.		2/100 m ² of gross floor area

Other development - Table G2.4

Type of development	Minimum car parking spaces	Special Requirements	Bicycle Parking
Club	1 per 6 m ² public area in bars and lounges plus 1 per 10 m ² public area in dining rooms plus 1 per 3 seats in auditorium plus 1 per 2 employees		2 per 25 m ² of public areas in bars and 2 per 100 m ² of lounges and beer gardens areas

Type of development	Minimum car parking spaces	Special Requirements	Bicycle Parking
Educational establishment	1 per staff member plus 1 per 10 students aged 17 and over.	Additional requirements at Council's discretion.	1 per 5 pupils over year 4
Hospital	1 per 10 beds for visitors plus 1 per 2 employees plus 1 ambulance space		1 per 10 beds
Hotel	1 per 5 m ² public area in bars and lounges plus parking requirements for accommodation in accordance with requirements of motel ^(D) .		2 per 25 m ² of public areas in bars and 2 per 100 m ² of lounges and beer gardens areas
Theatre/cinema	1 per 10 seats		1 per 10 Car parks
Hall	1 per 10 seats		1 per 10 Car Parks
Place of worship	1 per 10 seats		1 per 10 Car Parks
Bowling club	30 per bowling green		See Club rates
Squash/ tennis courts	3 per squash or tennis court		1 per 4 employees and 1 per 200m ² of gross floor area
Indoor bowling alley	3 per bowling lane		1 per 4 employees and 1 per 200m ² of gross floor area
Gymnasium	1 per 20 m ²		1 per 4 employees and 1 per 200m ² of gross floor area
Recreation facility	Survey of other similar developments and merit assessment to be submitted for consideration.		1 per 4 employees and 1 per 200m ² of gross floor area

Parking Spaces for People with Access Disabilities - Table G2.5

Type of development	Minimum proportion of car parking spaces to be provided for people with access disabilities.
Retail/Commercial Shopping complexes, banks, restaurants, post office, offices, etc.	1 – 2 percent
Tourist Facilities Motels ^(D) , holiday cabins ^(D) , etc.	1 – 2 percent
Transport Railway stations, bus/rail interchanges, etc.	1 – 3 percent
Community Civic centres, town halls, community centres, health care, places of worship, etc.	2 – 3 percent
Recreation Leisure centres, gymnasiums, swimming pools, etc.	2 – 3 percent

Education Schools, Tertiary institutions, etc.	2 – 3 percent
Entertainment Theatres, libraries, sports centres, etc.	3 – 4 percent
Medical Hospitals, medical centres, clinics, rehabilitation units, etc.	3 – 4 percent

Delivery/ Service Vehicles - Table G2.6

Type of development	Minimum parking spaces	Special Requirements
Residential flat building or group dwelling^(D) development	1 per 50 units/dwellings ^(D) up to 200 plus 1 per 100 thereafter.	No spaces will be required for developments with less than 6 units/dwellings ^(D) . Visitor spaces may be used if designed for dual use.
Hotels and Motels^(D)	1 per 50 units up to 200 plus 1 per 100 thereafter plus 1 per 1000m ² of public area (bar, tavern, lounge or restaurant)	
Commercial premises	1 per 4000m ² of gross floor area ^(D) up to 20,000m ² plus 1 per 8000m ² thereafter.	
Shops and Restaurants	1 per 400m ² of gross floor area up to 2000m ² plus 1 per 1000m ² thereafter.	
Wholesale and Industrial	1 per 800m ² of gross floor area ^(D) up to 8,000m ² plus 1 per 1000m ² thereafter.	

G2.2. Element - Parking Layout

Element Objective

To provide functional, convenient and accessible car parking areas.

Performance Criteria

Parking areas must be designed to reflect the specific requirements of the particular development proposed, the nature of existing and anticipated surrounding development and the environmental conditions of the land.

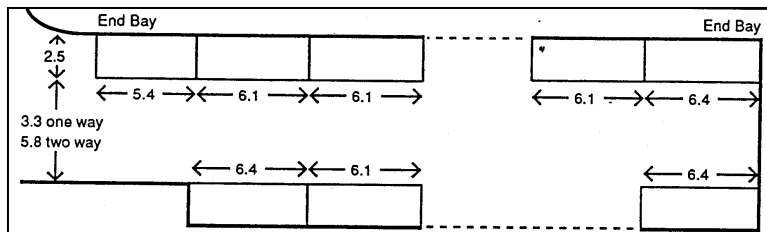
Parking must be safe, easily accessible and not obstruct the passage of vehicles or create traffic conflicts.

Prescriptive Measures

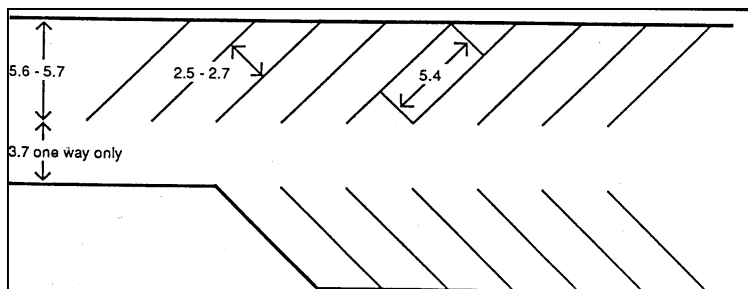
Many factors will influence the design and layout of parking areas. The following diagrams represent the minimum standards that will be acceptable to Council.

Where a dimension range is shown, the greater dimension must be adopted for areas of high turnover (ie. parking for less than three hours).

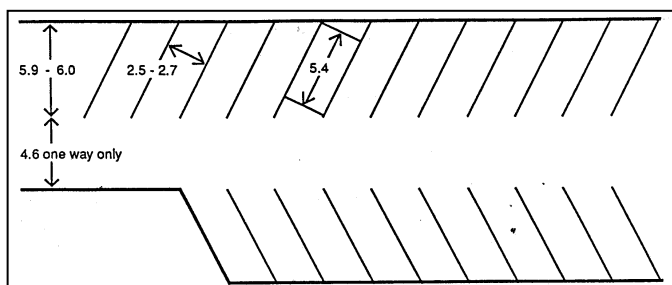
Parallel parking



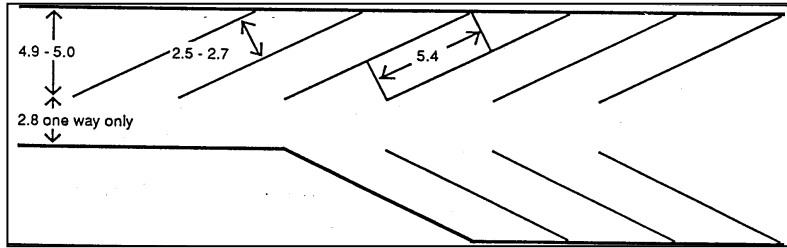
30° parking



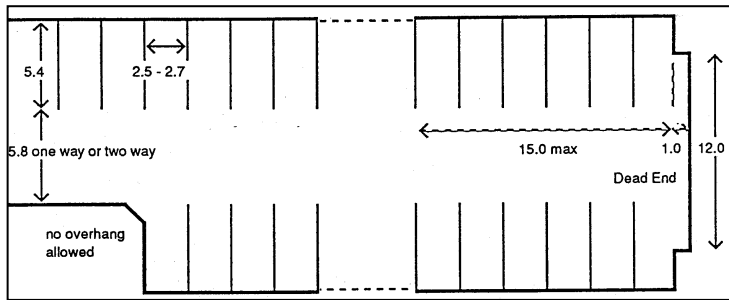
45° parking



60° parking



90° parking



G2.3 Element - Design, Access and Construction

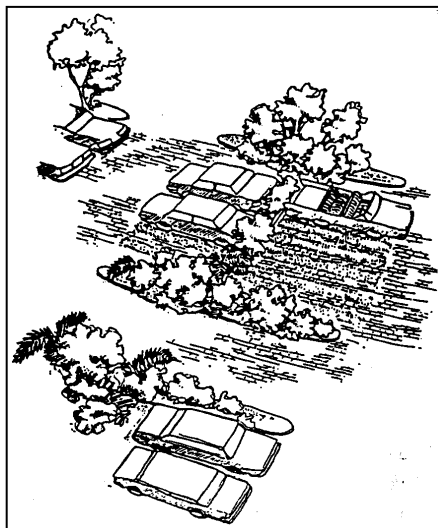
Element Objective

To provide safe, pleasant and functional car parking areas.

Performance Criteria

Parking and service vehicle areas must provide pleasant areas in which to park.

Public safety must be the main consideration when planning the location of access to a development. Parking areas must be designed to consider all users.



Underground car parks are to be designed so that they meet ESD principles and prevent the entry and/or collection of stormwater and/or groundwater below the natural ground surface.

Prescriptive Measures

Materials

All internal roads and car parking access aisles must be constructed of hardstanding all-weather material and are to be drained and marked to Council's satisfaction. Design details are to be submitted to Council for approval.

Brick or block pavers must be used in preference to bituminous surfacing wherever possible, particularly in visually prominent areas.

Wheel stops in accordance with the requirements of AS2890.1 – Off-Street Car Parking must be provided to protect walls, landscaping, shade trees and pedestrian areas from vehicle encroachment.

Design for people with access disabilities

Design of parking areas must provide for safe, practical and convenient access to the development for people with access disabilities. Parking spaces for disabled drivers must have minimum dimensions of 5.4 metres by 3.2 metres.

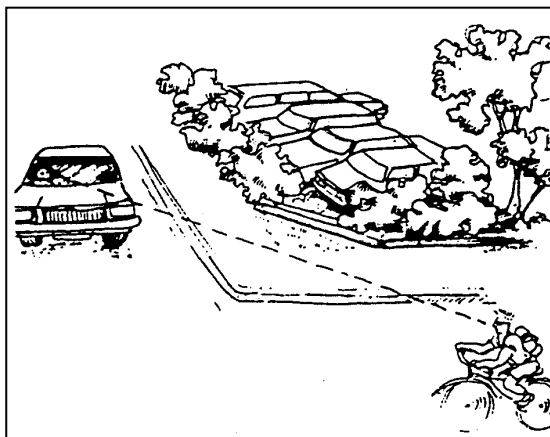
The location of spaces designated for persons with disability must be close to an entrance to a building or facility with access from the car space by ramps and or lifts in accordance with AS 2890.1 and Part D of the Building Code of Australia.

Landscaping

As an integral and important component of parking area design, suitable landscaping must be provided in accordance with the requirements of Chapter 1 Part H - Landscape, and other parts of this Development Control Plan.

Visibility

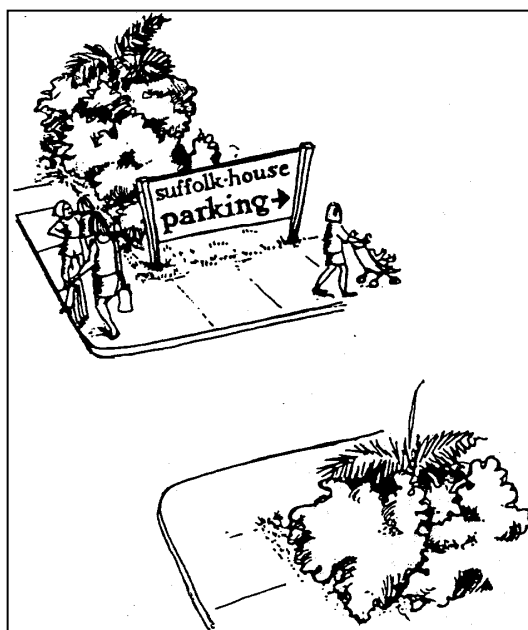
Design of car parking areas and vehicle access must ensure that no loss or restriction of visibility is suffered by motorists on the adjacent streets. Council may require the provision of a corner splay at the access point.



Signs and marking

- Parking areas must be well signposted to indicate the availability of off-street parking. The location and signposting of entry and exit point/s must be clearly visible from both the street and within the site^(D).
- Vehicle circulation must be clearly indicated by pavement arrows. Parking spaces for specific uses, eg. disabled, employees, visitors, must be clearly sign posted. Pedestrian and other hazard areas, eg. speed humps, must also be clearly indicated.

- Where car parking areas are used frequently at night, signposting and line marking must utilise reflective background materials or paint. Adequate lighting will be required during normal hours of operation.
- The design of signs must be simple and in character with the development and its surroundings. Refer to Chapter 16 - Exempt and Complying Development and Chapter 1 Part L of this DCP for Council's guidelines relating to signs and signposting in the Shire.
- Details of proposed signs must be submitted to Council with the development application.



Stacked parking

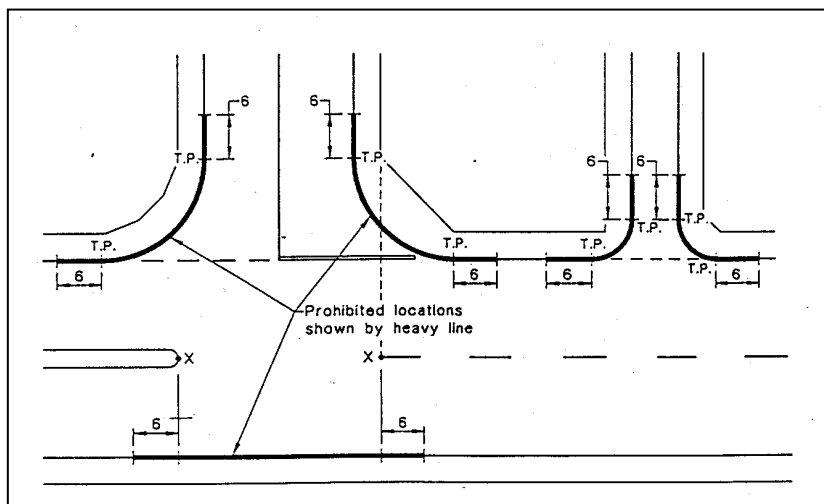
Stacked parking is not acceptable for dual occupancy^(D), medium density, commercial or industrial development.

Vehicle access

The width and location of access driveways must be in accordance with the requirements of AS2890.1 – Off-Street Car Parking.

Access driveways may require splays to allow turning movements to and from the development without adversely affecting traffic flows in the frontage roadway.

Location of new entry/exit points must achieve a minimum of potential conflict with existing access points. Access driveways must not be located in the section of kerb shown by heavy lines in the following diagram.



Vehicle movements

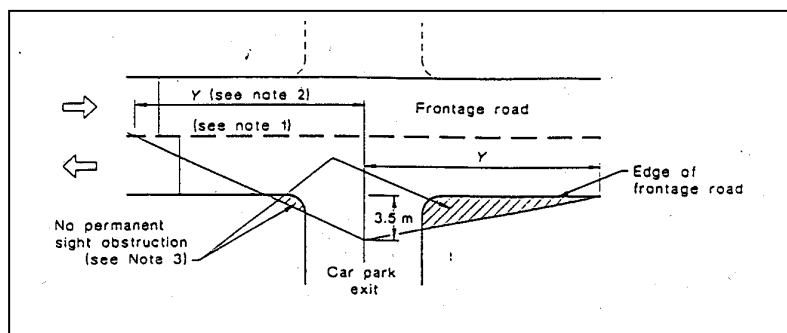
Other than for allotments containing only one dwelling-house^(D), all vehicles must move in a forward direction when entering and leaving the site^(D).

Entry and exit points must be separated for major developments, in accordance with the NSW Roads and Traffic Authority guidelines and AS2890.1 – Off-Street Car Parking

Sight distance

Design of car parking areas and vehicle access must ensure that there is adequate sight distance to traffic on the frontage road and to pedestrians on the frontage road footpath. The minimum sight distance must be in accordance with AS2890.1 – Off-Street Car Parking as shown in the following diagrams.

The sight for urban areas with a speed limit of greater than 60km/h and in rural areas requires the provision of greater sight distances. Austroads, Part 5 tables the recommended sight distances in these circumstances.



Intersections

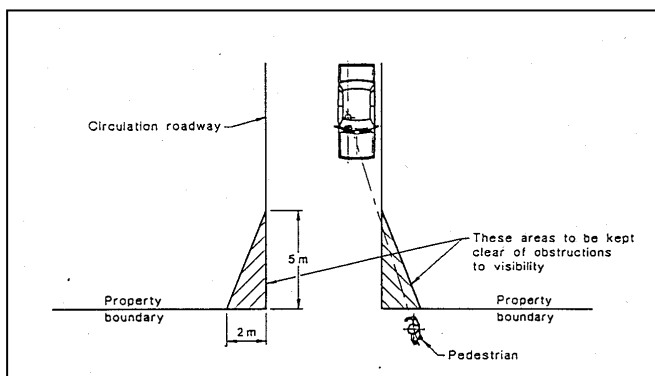
Avoid conflict with traffic movements at nearby intersections. Site^(D) entry/ exit must not be closer than 6 metres to an intersection measured from the property boundary.

On-street queuing

Design and location of access must ensure the minimum potential for on-street vehicle queuing.

Pedestrian movements

Parking areas must be so designed as to minimise the potential for vehicular/pedestrian conflict. A pedestrian pathway connection between the car parking areas and building access points is desirable.



Gradients

The internal access driveway must be designed so that it is relatively level within 6 metres of the site^(D) boundary or any pedestrian way. The recommended maximum grade is 5%.

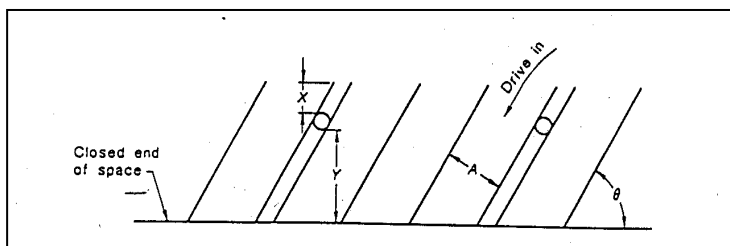
All gradients of car parking surfaces, ramps and access driveways must be in accordance with Council standards and/ or AS2890.1 – Off-Street Car Parking.

Headroom

To permit access for both cars and light vans, the height between the floor and an overhead obstruction must be a minimum of 2.3 metres. Clearances must be measured to the lowest projection from the roof.

Column Locations

Columns must not be located at the edge of a parking aisle. The dimensions for locating columns must be in accordance with the following diagram.



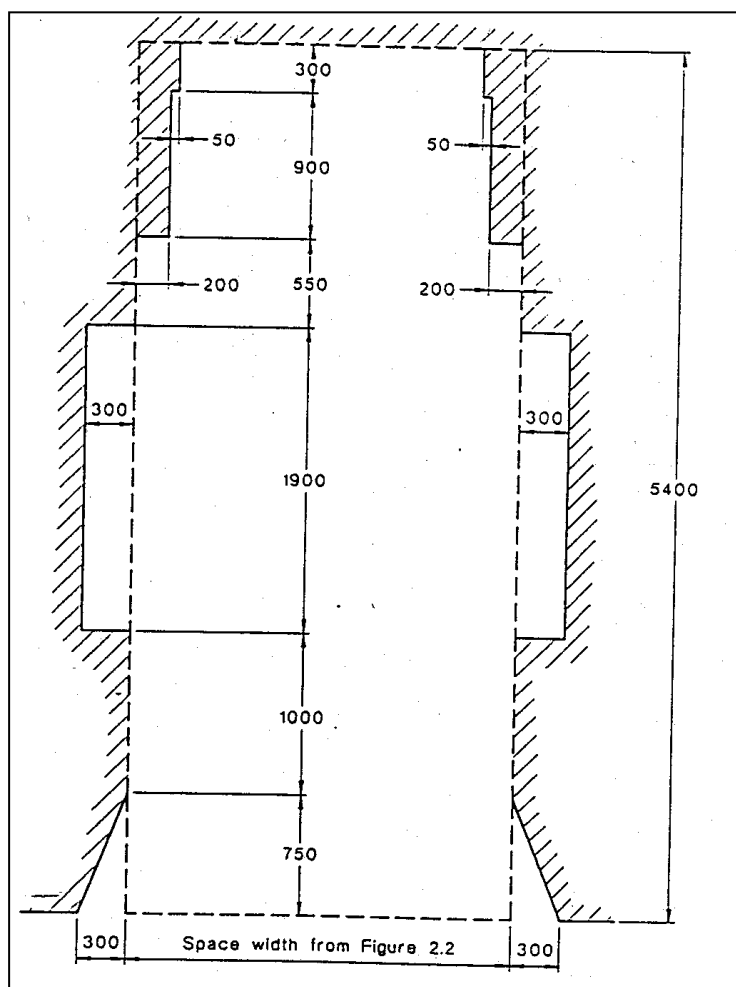
A = parking space width (see Figure 2.2)

Parking angle, θ degrees	Dimensions, mm	
	X, min.	Y, min.
30	375	1825
45	530	2581
60	650	3161
75	724	3526
90	750	3650

FIGURE 5.1 COLUMN LOCATION

Design Parking Envelope

The design envelope around a parked vehicle which must be kept clear of walls, columns or other obstructions is as shown in the following diagram.



Bicycle, Motor cycle and Coach parking

Development Proposals must make provision for bicycle parking in accordance with Tables G.2.1, G.2.2, G.2.3 and G.2.4. The Bicycle parking is also to be designed in accordance with AS2890 – 1993 Parking Facilities, Austroads 2009 and the NSW RTA Bicycle Guideline 2005 as appropriate.

Adequate provision is to be made for access, safe manoeuvring and parking of coaches in proposals for tourist, commercial and recreational developments.

Provision must also be made for the parking of motor cycles as appropriate.

General Requirements of Bike Facilities

In general, every bicycle parking facility should satisfy the following requirements:

- (a) enable wheels and frame to be locked to the device without damaging the bicycle
- (b) be placed in view of staff, customers and passers by or covered by TV cameras
- (c) be located outside pedestrian movement paths,
- (d) be easily accessible from the road with convenient cut-down crossing (pram/kerb ramp) near bicycle parking facilities should be provided.
- (e) be arranged so that parking entries and exits will not damage adjacent vehicles
- (f) be protected from manoeuvring motor vehicles and opening car doors
- (g) be as close as possible to the cyclist's ultimate destination
- (h) be well lit by appropriate new or existing lighting and protected from the weather
- (i) be attractive and designed to blend in with the development
- (j) be appropriately signed

Underground car parks

Underground car parks must be designed so as to completely exclude the entry of stormwater and/or groundwater to the underground carparking (other than up to a maximum of 60m² of the driveway ramp only). The floor level of any underground carpark must be located above the maximum level of the ground water table.

G2.4 Element - Service and Garbage Areas

Element Objective

To ensure that developments incorporate proper provision for servicing and waste collection consistent with contemporary policies and practices.

Performance Criteria

Service vehicle areas must be provided in accordance with the projected needs.

Servicing the development must be safe and not obstruct the passage of vehicles or create traffic conflicts.

Prescriptive measures

Loading and unloading from the street is not permitted.

As the size of service vehicles varies considerably, it is not possible to specify parking and access dimensions which will be suitable for all situations. Accordingly, the design of service areas will have to be tailored to each particular site^(D), type of development and the anticipated types of service vehicles.

Applicants are referred for specific advice for service vehicle areas to the NSW Roads and Traffic Authority Guidelines for Traffic Generating Developments.

That document includes:

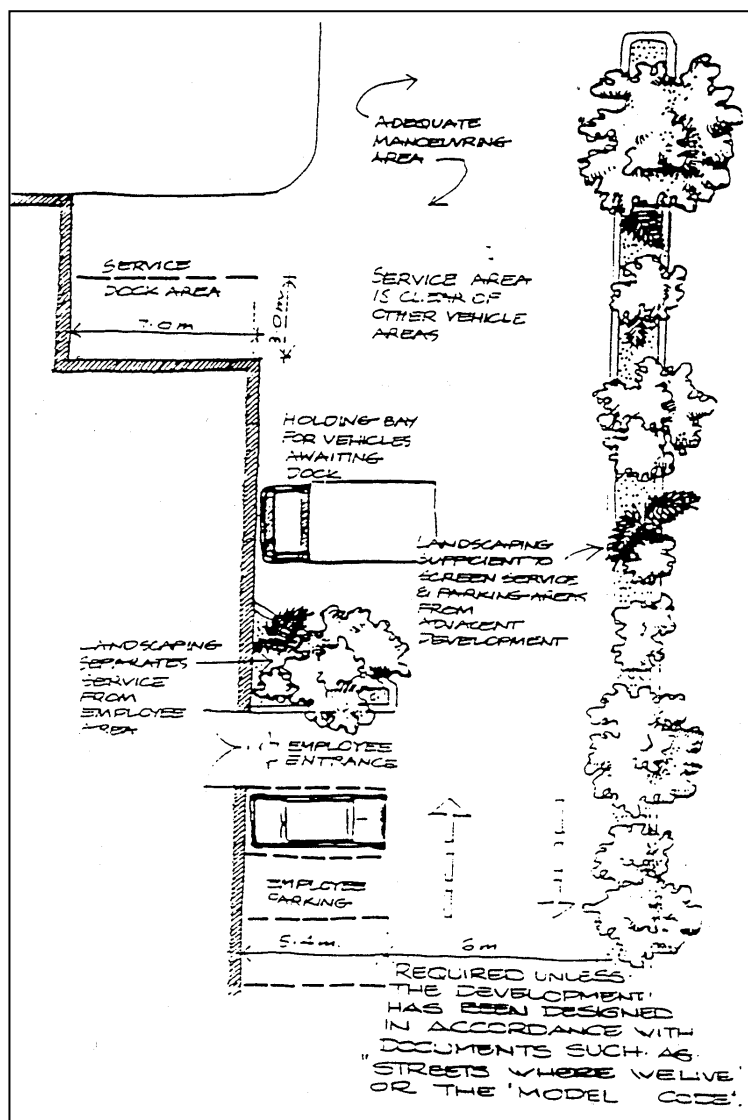
- Dimensions of service areas
- Loading bay platform and clearance heights
- Critical loading bay manoeuvring areas
- Typical service areas for particular forms of development
- Design turning paths for a range of vehicles
- Requirements for waste collection vehicles

Design principles

Council will give consideration to the following principles in determining the appropriateness of service areas:

- The service area must be a physically defined location, screened from public view, and not used for purposes other than servicing, loading and unloading.
- Service area layout must facilitate its efficient use and must effectively discourage on-street loading and unloading.
- Requirements for storage and collection of waste must be taken into account in service area design.
- All service vehicles must be able to enter and leave the site in a forward direction, ie. adequate manoeuvring space is required on-site.
- Internal roadways must be of a size adequate for the largest vehicle anticipated to use the site.
- Where possible, service vehicle movements must be separated from car movements.

The following diagram illustrates the incorporation of some of these principles into the layout of a typical development.



G2.5 Element - Monetary Provision

Element Objective

To enable the provision of a monetary contribution in lieu of on site parking provision in Commercial Areas where this is in the public interest.

Performance Criteria

Council may consider accepting a monetary contribution in lieu of on-site car parking in accordance with a Section 94 Contributions Plan and where there is a nexus between the development and the area in which the public parking is to be provided.

Prescriptive Measures

In commercial areas, Council may accept a cash contribution in lieu of the provision of on-site car parking spaces. Such cases will be considered on merit, with reference to:

- (a) the size of the development;

- (b) the site's proximity to, and the accessibility of, existing or proposed public car parking areas;
- (c) the demand for car parking generally in the locality; and
- (d) the general traffic flow in the area.

In the main commercial areas, Council may favour the development and use of public car parks in preference to small parking areas associated with individual developments. Where Council considers it appropriate in such circumstances, a contribution will be required in accordance with the rates specified in Council's adopted Section 94 Plan, notwithstanding the availability of adequate areas on-site for parking.

In locations away from the main commercial areas, or where no public car parks are planned, on-site car parking is to be provided with the development.

Chapter 1: Part H

Landscaping

Document History

Doc No.	Date Amended	Details Comments eg Resolution No.
#312307	14 October 2010	Res 10-696 - to create Draft DCP 2010 for public exhibition
#1017131		Draft DCP 2010 Part H (public exhibition copy)
#1068714	14 March 2011	Adopted Res 11-169 - Format changes applied

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<i>What are the objectives of this Part?.....</i>	<i>H3</i>
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Note: ^(D) = definition included in Chapter 1 Part A7 of this DCP

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H1. INTRODUCTION

The overall aim of this Part of the DCP is to provide landscaping guidelines for Development and to promote Biodiversity.

What is the purpose of this Part?

This Part of the DCP provides advice, guidelines and controls relating to design, construction and maintenance of landscape and vegetation associated with all developments in Byron Shire.

What are the objectives of this Part?

The objectives of this Part of the DCP are:

- To encourage the enhancement of the natural sub-tropical environment particular to the Shire of Byron.
- To facilitate implementation of the Aim, Objectives and Guiding Principles contained in Clause 2 of Byron LEP 1988.
- To outline the landscaping requirements relating to all forms of development.
- To ensure that adequate provision is made for landscaping, in accordance with the type, scale and location of the proposed development.
- To encourage the recognition of climatic influences and the incorporation of landscaping design features to enhance or modify the climatic factors relating to the site^(D).
- To encourage design for low maintenance landscaping.
- To encourage the retention of trees and native vegetation of ecological, aesthetic and cultural significance through integration as part of landscaping design.
- To encourage the planting of species endemic to the local area.

H2. PLAN REQUIREMENTS

Landscape plans submitted to Council for assessment must contain the following details:

- location and name of existing trees;
- soil type and moisture conditions;
- location of drainage, sewerage and other underground services and overhead power lines;
- details of landscape structure, including areas of deep planting;
- contours or spot levels, if appropriate;
- proposed surfaces;
- where landscaping is to be carried out above a basement, podium roof or other upped level, the means of drainage;
- fence size and material;
- location and species of proposed plants;
- schedule of plants;
- any other information which the Council may from time to time require;
- an indication of proposed cost estimates for landscape works.

Plans which are clear, well displayed and detailed can be easily assessed, which increases the efficiency of the plan's assessment by Council. Well prepared landscape plans also provide the landscape contractor with clear directions about the desired result. The designer's name and contact details should be marked on the landscape plan so the landscape assessment officer can make enquiries directly.

A high quality product can be achieved through forward planning and design input, displayed in the landscape plan. Major landscaping proposals may require additional levels of detail depending on the scale of the project. In particular, the submissions of a landscape master plan or perspective's of the finished landscape may be sought by Council.

Scale

The recommended scale for landscape plans is 1:100 or 1:200. Working details are to be provided at 1:10 or 1:20. Master plans should be presented at an appropriate scale, which allows the overall concept to be shown, as well as suitable levels of detail. All plans submitted are to include a north point and legend.

Existing Conditions

Landscape plans are to indicate the type of soil and it's drainage characteristics. Plans should also show the location, species and spread of all existing trees on the site^(D). If any trees are to be removed, this is to be noted on the plan and reasons specified. Plans should detail boundaries, easements, fences, footpaths, gutter crossings, drainage areas and grassed areas. Services should be indicated on the plan, including: underground services such as water, electricity, gas, telephone, sewer and stormwater; manhole covers, sewer vents, grease traps, and drainage pits; the location of overhead power lines; protection measures for existing vegetation (eg barriers); and any other relevant encumbrances affecting the site^(D).

Minimum Landscaped Areas

The plan should demonstrate that the proposed development complies with the minimum "landscaped area"^(D) specified by the requirements of the relevant Parts of this DCP. The required minimum landscaped area^(D) should be noted on the plan alongside the actual landscaped area^(D) provided in the development. The plan should also clearly demonstrate compliance with conditions of any specific development approval.

Extent of Works

The extent of all works shall be indicated on the plan, including the following (where relevant):

- proposed surfaces eg. paved car parking areas and pathways, turfed areas, mulched garden beds;
- main structures, including existing and proposed building footprints;
- any other landscape-related structures, such as pergolas, gazebos etc.;
- fencing and retaining walls;
- lighting and furniture, including locations for seating, tables, bins, playground equipment;
- details of edging treatment to planting beds;
- water features, vehicle barriers, bollards, wheel stops;
- irrigation systems; and
- site drainage alterations.

For complex landscape works, a separate landscape plan may be required which clearly defines soft and hard landscape work for clarity and interpretation. Detailed construction drawings may be required for structural items.

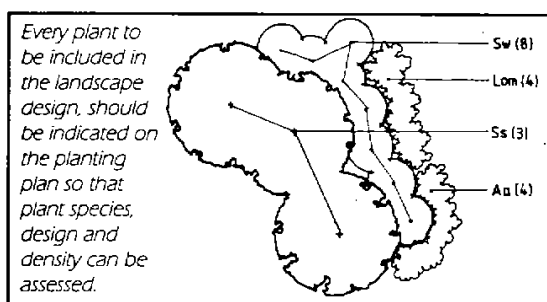
Levels

All plans shall indicate important ground levels as either spot levels or contour lines. Where excavation filling is proposed for the development, the change in surface level are to be indicated. Any mounding specified for the design is to be constructed in such a way that it blends with its surrounds and looks natural in its setting. Intended mounding should be shown on the plan with the use of contour lines.

Planting Plan and Schedule

Landscape plans must include a Planting Plan and Planting Schedule. The Planting Plan shows locations of proposed plants and planting numbers/ density and dimensions of planting beds. A Plant Schedule includes the following information:

- botanical and common names of plant species;
- number of plants of each species to be used;
- size of container;
- tree canopy spread (can be indicated graphically on the Planting Plan);
- spacing of plants (indicated on the landscape plan).



Example of a plant schedule:

Code	Plant Species	Common Name	No.	Size
Aa	Agapanthus africanis	African Lily	100	150mm
Lom	Lomandra longifolia	Mat Rush	80	150mm
Sw	Syzygium wilsonii	Lily Pilly	7	300mm
Bc	Buckinghamia celsissima	Ivory Curl Tree	6	45 litre
Pe	Polyscias elegans	Celery Wood	12	300mm
Ss	Stenocarpus sinuatus	Fire Wheel Tree	3	45 litre

The selection of plant species is of primary importance and should be determined in relation to relevant criteria, including: location, aspect, colour, water requirements, maintenance, form, proximity to environmental sites. Plant species selection must be in accordance with the desired function of the landscape. Broad canopy trees are encouraged to be planted as the structure backbone to any landscape development. Palm trees do not fall into the category of 'broad canopy' tree.

Plan Preparation

Landscape plans are to be preferably prepared by a landscape architect or suitably qualified landscape designer.

Checklist for Plan Production

The checklist below should be used as a guide when submitting a landscape plan for assessment.

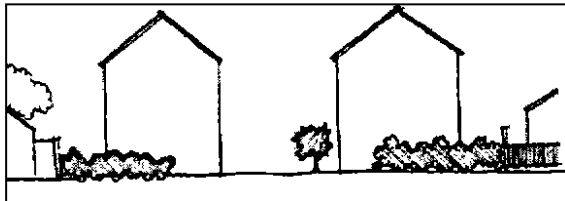
LANDSCAPE PLAN CHECKLIST	
Background information	❖ <i>Scale, north point, legend, context of development (adjoining roads and land uses), photograph of site.</i>
Existing conditions	❖ <i>Soil type and moisture conditions</i> ❖ <i>Existing trees;</i> ❖ <i>Watercourses;</i> ❖ <i>Services, and</i> ❖ <i>Other encumbrances</i>
Compliance with minimum requirements	❖ <i>Compliance with the minimum landscaped requirements specified by the Planning Scheme and/or;</i> ❖ <i>Compliance with conditions of a development approval</i>
Extent of Works	❖ <i>Any vegetation removal;</i> ❖ <i>Surface materials;</i> ❖ <i>Structures, and</i> ❖ <i>Other details.</i>
Levels	❖ <i>Spot levels, and/or</i> ❖ <i>Contours are to be indicated</i>
Planting Plan	❖ <i>Locations of proposed plantings;</i> ❖ <i>Number and density of plants; and</i> ❖ <i>Dimensions of planting beds</i>
Planting Schedule	❖ <i>Botanic and common names;</i> ❖ <i>Numbers;</i> ❖ <i>Planting sizes; and</i> ❖ <i>Tree canopy spread</i>
Designer	❖ <i>Details of the person who produced the plan.</i>
Cost Estimates	❖ <i>Indication of preliminary/proposed cost estimates for landscape works relative to the total budget of the project.</i>

H3. GENERAL PRINCIPLES

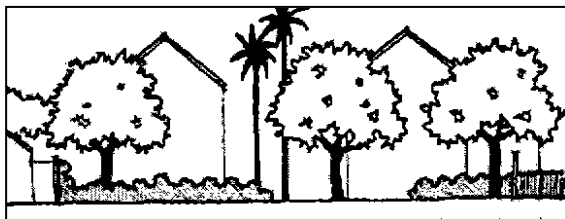
In assessing landscaping proposals and development applications, the Council will take into account the general principles outlined in this section. More detailed requirements regarding some of these principles are included in later sections of this plan.

Specific standards relating to the overall design parameters of a development (eg setbacks, minimum landscaped area^(D), and car parking layouts) are included in other Parts of Chapter 1 of this DCP.

A successful landscape design aims to soften the lines and texture of a building or structure, thus merging the building into its surroundings – the result is a more attractive development.



This landscaping does not relate well to the building scale



This landscape relates to the building scale and assists integration of the building into the street.

A landscape design may be used to help integrate a new development into an existing street and assist in relating the scale of the building to the height and mass of the trees.

Council will take into account the type, scale and location of proposed development.

Landscaping should endeavour to soften the appearance of all structures when viewed from public places and from adjoining buildings, and should complement the landscape of the site's environs.

H3.1 Element – Overall Theme

Element Objective

To promote integration between the natural environment, the proposed development and the proposed landscaping.

Performance Criteria

While satisfying the objective of enhancing the natural environment, landscaping must also complement the structures and forms of the proposed development.

The landscape should assist in the definition and enhancement of outdoor living and recreation areas, which are associated with the development.

Prescriptive Measures

No prescriptive measures are specified for this Element.

H4. RESIDENTIAL UNIT DEVELOPMENT

H4.1 Element – Landscape Principles

Element Objective

To ensure a high quality landscape and aesthetic environment for residential unit development.

Performance Criteria

A high quality landscape for residential unit developments provides a pleasant environment for residents and is important to their physical and emotional comfort. The site^(D) landscape should flow from the site^(D) and create a unity with adjoining development and the streetscape.

Prescriptive measures

The following design requirements apply to residential unit development:

- Retention of suitable existing vegetation;
- Screen planting to street frontages and driveway areas, to provide privacy between units and around the boundaries of the site^(D);
- Provision of pleasant landscaped settings for the enjoyment of residents;
- Planting selection which relates to building scale and mass.

The common landscaped area^(D) of the site^(D) must be not less than the total of the areas required for each dwelling^(D) unit, calculated from the following table, less the total of the areas of approved private courtyards and approved private open space balconies in accordance with clauses C7.1 and C7.2 of this DCP.

Dwelling ^(D) Size	Landscaped Area ^(D)
Small (under 55 m ² in floor plan area ^(D))	50 m ²
Medium (55-85 m ² in floor plan area ^(D))	70 m ²
Large (over 85 m ² in floor plan area ^(D))	90 m ²

H4.2 Element - Courtyards

Element Objective

To ensure that courtyards associated with residential unit development provide adequate landscaping.

Performance criteria

No performance criteria are specified for this Element.

Prescriptive measures

All courtyards shall be landscaped.

H4.3 Element – Landscaped Area

Element objective

To ensure appropriate treatment of common landscaped areas^(D).

Performance Criteria

There are no Performance Criteria specified for this Element.

Prescriptive measures

The common landscaped area^(D) of the site^(D) must be in accordance with clauses C7.3 and C7.4 of this DCP.

A minimum of 75% of the total common landscaped area^(D) of the site^(D) shall be of an absorbent finish such as grass, gardens or like material. *Where underground parking is proposed some of the landscaping can be provided at ground level over the underground carpark provided adequate design guidelines can be achieved*

The landscape design must address:

- the retention and provision of appropriate trees on the site^(D)
- the use of earth mounding and terraced areas to create useful and visually pleasing recreation areas and to assist screening
- the orientation of landscape areas with regard to sunlight and prevailing winds
- the provision of sufficient areas adequately shaded against the summer sun and giving adequate access to the winter sun

H5 RECREATION SPACE

H5.1 Element – Area, Treatment and Screening

Element Objective

To ensure appropriate planting, treatment and screening of recreation areas.

Performance criteria

No performance criteria are specified for this element.

Prescriptive Measures

The area provided for landscaped open space shall be as required by the relevant development control plans and codes.

A minimum of 50% of the main open space area shall be provided with outdoor furniture and equipment, and screened where necessary, to provide outdoor seating, recreation and children's play areas to Council's satisfaction.

Suitable screen fencing will be permitted, where appropriate, to ensure privacy for sunbaking and clothes drying areas and to block out undesirable views. Screen walls may be constructed of brick, timber or other approved materials and shall be suitably designed to achieve integration with the overall landscape treatment.

H5.2 Element – Location

Element Objective

To ensure that recreation areas are located to provide appropriate climatic and access conditions.

Performance Criteria

On larger sites^(D) where the topography may include southerly slopes or areas shaded during winter months, such areas should not be used to locate the main open space and recreation areas. However in some localities experiencing adverse northerly winds, protected south-facing courtyards may be beneficial.

Prescriptive Measures

The main area of recreation space must be located on the northern, north-eastern or north-western sides of residential buildings to achieve the optimum solar aspect, to avoid winter shadow and exposure to cold winds, and to ensure that such space is useable all year round.

In the case of caravan parks^(D) and tourist development, the main open space areas shall be located close to caravan or unit sites^(D), but shall be separate from internal roads to ensure safe conditions for children with respect to traffic.

H6. COMMERCIAL DEVELOPMENT

Landscaping can make a development more attractive and therefore more pleasing to the public and potential customers. Commercial development can also form an important focus for tourist activities in the Shire, and its presentation is important.

H6.1 Element – Landscaping of Commercial Developments

Element Objective

To ensure that commercial developments provide useable outdoor areas and vegetation.

Performance Criteria

The following design guidelines are offered for commercial developments:

- Retention of suitable existing vegetation;
- Creation of a pleasant landscaped environment for customers;
- Planting selection which can endure an intensively used environment;
- Planting selection which relates to building proportions;
- Screen planting to car parking and driveway areas and to visually obtrusive facades of the building; for effective landscaping, a minimum garden bed width of 2 metres may be required for the front boundary (this will not be appropriate for all commercial design layouts).

Prescriptive Measures

A minimum 10% of site area^(D) for landscaping for commercial developments must be incorporated into development proposals. Landscaped areas^(D) can be used for pedestrian access provided it is of porous paving.

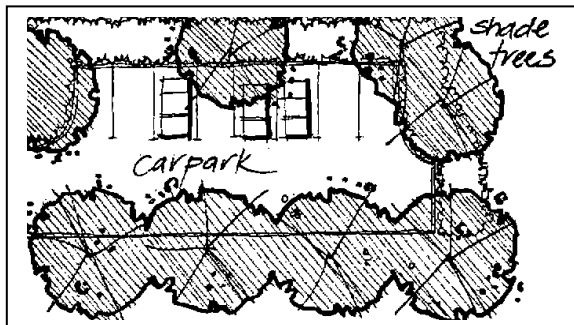
H7. CAR PARKING AND OPEN STORAGE AREAS

H7.1 Element – Landscaping Of Car Parking And Storage Areas

Element Objective

To enhance the built form, provide shade and assist in screening car parking and open storage areas.

Performance criteria



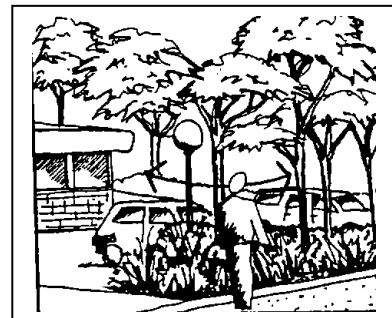
Planting in car parks reduces the harsh visual effect created by open concrete and asphalt areas and provides shade and wind protection. The landscape design should be an integral part of car park design and layout. The design can incorporate shade tree planting throughout the car park and dense planting, mounding, walling and fencing on boundaries to provide screening.

Parking lots should not dominate the frontage of pedestrian orientated streets. Car parks should not directly abut the property boundary to the street. The visual impact of hard stand areas should be screened and/or softened. Landscape Works in the car park should aim to provide adequate shade cover after five (5) years or less.

Prescriptive Measures

In commercial and industrial parking areas and in open storage areas, shade trees shall:

- Be provided at the rate of 1 tree to shade every 2-5 parking spaces.
- Have high spreading branches
- Have a low attraction to bird species
- Be provided in garden beds of minimum width 2m.



Use smooth-barked trees, shrubs to 1m and ground covers for maximum visibility and surveillance.

The following design guidelines apply to car parks:

- Retention of suitable existing vegetation;
- Screen planting to street frontages and around the boundaries of the site^(D);
- Buffer planting to adjacent land uses;
- Planting of shade trees throughout the car park (landscape works in the car park should aim to provide adequate shade cover after 5 years);
- Separation and definition of pedestrian and vehicular circulation routes;
- For effective landscaping, a minimum garden bed width of 2 metres is required for the front boundary;
- Use of porous paving for parking bays and driveways where appropriate.

H8. INDUSTRIAL DEVELOPMENT

H8.1 Element – Industrial Landscaping

Element Objective

To enhance the appearance, climatic conditions and character of industrial areas.

Performance Criteria

Industrial development is potentially the most visually unattractive form of development in the Shire, particularly due to building type, use and size. Effective landscaping can reduce the visual impacts of such development and create a unifying element in the streetscape.



This landscaped garden breaks up the hard stand area and, when mature, will provide shade and screening

Prescriptive Measures

The following design criteria apply to industrial developments:

- Retention of suitable existing vegetation;
- Screen planting to street frontages, adjacent to car parking and driveway areas, around the boundaries of the site^(D) and to visually intrusive facades of the building;
- Planting selection and design which is low maintenance and can endure an intensively used environment;
- Planting selection which relates to building scale and mass;
- For effective landscaping a minimum garden bed width of 3 metres is required for the front boundary;
- At least 80% of the planting of industrial sites is to be at the front of the site^(D);
- Minimal use of concrete in landscaped areas^(D);
- Use porous paving where appropriate.

H9. CYCLEWAYS, PEDESTRIAN ROUTES, DRAINAGE AND WATERCOURSES

H9.1. Element - Landscaping of Cycleways and Pedestrian Routes

Element Objective

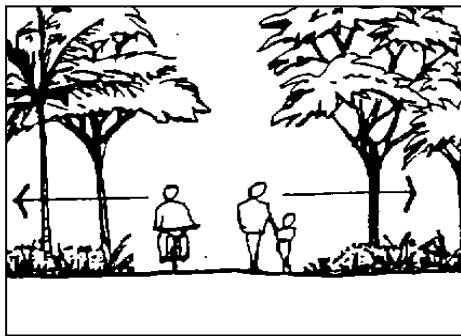
To maximise natural characteristics and promote safety within cycleways and pedestrian routes.

Performance Criteria

No Performance Criteria are specified for this Element.

Prescriptive measures

Landscaping along pedestrian and cycle routes shall consist of clear trunked trees, shrubs to 1 metre height and groundcovers to allow for maximum visibility and surveillance as shown in the following Figure.



Surveillance for pedestrians and cyclists to provide security.

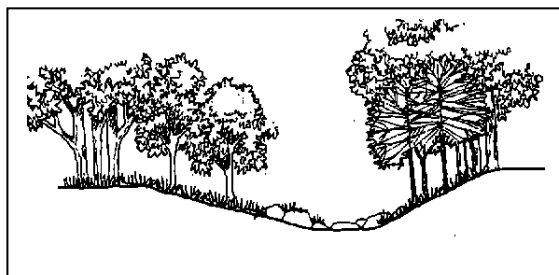
H9.2 Element - Drainage and Watercourses

Element Objective

To promote ecological diversity and to maximise aesthetic values of drainage lines and watercourses.

Performance Criteria

The natural vegetation associated with rivers, streams and creeks, forms the riverine and creek community. This vegetation acts as vital corridors for fauna and as genetic links between remnant patches of forest. It also assists in maintaining high water quality and stream stability values.



Development adjacent to rivers and creeks can degrade the function of these communities and careful landscape design is warranted. Planting should consist of local indigenous species to reinforce ecological functions, and be tolerant of occasional inundation. It is important not to plant weed species along waterways as the river system will further distribute the unwanted species.

Prescriptive measures

The following landscape design requirements apply to areas adjoining watercourses and drainage lines:

- retention of suitable existing vegetation;
- rehabilitation of degraded areas and removal of weed infestation;
- replanting of species which are indigenous to the area, tolerant of possible inundation and not likely to cause a weed problem;

- landscape solutions for drainage lines, particularly in urban areas, which promote;
- encourage the utilisation of natural materials and natural feature solutions as an alternative to traditionally hard and unattractive open concrete drains;
- integration of engineering and landscape solutions for stormwater management;
- On steep land, swails and contour banks to reduce the detrimental effects of overland flow.



A natural appearance for drainage lines preferred. Planting species should be tolerant of inundation and not likely to create a weed problem.

H10. STREET TREES

Street trees contribute to the identity of the Shire through the provision of pleasant streetscapes and planting themes. The character or theme in residential subdivision, in particular, is enhanced by the selection of street trees.

H10.1 Element – Design and Selection of Street Trees

Element Objective

To promote ecological diversity and landscape character in the Shire's streets.

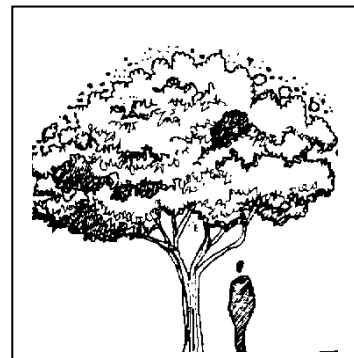
Performance Criteria

Native species, preferably from local stock, are to be used as street trees to preserve and enhance the natural character of the Shire. In addition, the retention and featuring of existing vegetation within the road reserve may provide a suitable established landscaped streetscape. Careful consideration is required in the location and choice of street trees, with particular attention to:

- Services and infrastructure (both underground and overhead)
- Sight lines at intersections, and
- Pedestrian movements.

Street trees should be chosen for their:

- Non-invasive root systems;
- Good canopy spread and shade provision;
- Lot height growth nature (under 10m in height)
- Colour and appeal;
- Low maintenance requirements;
- Suitability for soil type and drainage conditions.



Prescriptive Measures

Street trees provided as part of a new development must be a minimum of 45 litres in size to provide an early established character to the development. In some circumstances the use of root barriers will be required when planting trees close to kerbs, buildings and other structures under the possible threat of root damage.

H11. LANDSCAPE DESIGN CONSIDERATIONS

H11.1 Element - Screening

Element Objective

To enhance the appearance of parking, storage and utility areas

Performance Criteria

No Performance criteria are specified for this Element.

Prescriptive Measures

Parking, loading, open storage, drying and service areas must be adequately screened from view from public places and adjoining properties.

Uncovered vehicle parking areas must be planted with shade trees, of species not prone to dropping limbs or sap.

The landscaping layout must ensure the protection of privacy of both the subject site^(D) and adjoining properties. Suitable barriers must be incorporated where necessary such as earth mounds, fences and walls for light or noise reduction, eg adjacent to parking areas.

H11.2 Element – Underground Car Parks

Element Objective

To prevent adverse visual impacts from ventilation shafts and grilles.

Performance Criteria

No Performance criteria are specified for this Element.

Prescriptive Measures

Ventilation openings in underground car parking structures must be carefully integrated onto the landscape. Ventilator shafts or grilles must be positioned so that they are screened from view yet still function effectively.

H11.3 Element – Roof Decks and Balconies

Element Objective

To enhance the visual amenity and appearance of rooftops and balconies.

Performance Criteria

Rooftop and balcony^(D) planting (or vertical landscaping) is to be used on the upper levels of higher buildings to:

- Promote a more attractive facade for multi-level buildings;
- Soften the bulk of the building;
- Graduate the height of the building with planting;
- Increase privacy between upper level balconies and units;
- Provide a subtropical ambience for buildings.

Prescriptive Measures

Roof decks must be so designed and constructed as to be capable of carrying a sufficient volume of topsoil to allow development of a planting program integrated with landscape development on other parts of the site^(D).

The concrete deck shall be covered with a waterproof membrane underlying an adequate drainage medium, such as 100 to 150mm of gravel with agricultural drains. A suitable depth of topsoil shall be separated from the gravel by a layer of polyweave filter cloth (hessian is not satisfactory).

Abrupt changes in grade between roof decks and the adjacent landscaped areas^(D) can create visual discontinuity and maintenance problems, and are thus generally not acceptable.

If the soil depth is particularly shallow, soil temperatures may fluctuate greatly, often resulting in very low temperatures being experienced. In such a situation, tropical species of plants are not always suitable.

Where design elements can be demonstrated that meet the performance criteria the use of large potted containers & hydroponics will be considered on their merits.

H11.4 Element – Climate and Microclimate

Element Objective

To ensure that the design of developments and landscaped areas^(D) addresses the climatic characteristics of the area and the microclimate of the site^(D).

Performance Criteria

Landscaping should be designed to enhance and reinforce positive climatic influences and minimise the impact of adverse climatic features.

A site's microclimate is directly affected by a combination of the prevailing climatic conditions, the site's aspect (ie the direction it faces), the topography, the vegetation and the structures.

With due consideration to the prevailing weather conditions, landscaping can effectively control climatic impacts on buildings and outdoor spaces.

Weather conditions of relevance to landscape design in Byron Shire include:

Temperature

- Summer: warm to hot & humid
- Winter: mild

Rainfall

- Annual average: Cape Byron 1863 mm (*Source: Byron Shire Council On-site Wastewater Policy*)
- Dunoon 1424 mm
- Maximum: late summer/early autumn
- Minimum: late winter/early spring

(The amount generally decreases heading west across the Shire).

Wind

- Summer: northerly to south-easterly breezes predominate
- Winter: South-westerly winds predominate

Wind gusts of speeds of 40 km/hour or more are not uncommon.

Landscaping should protect from unfavourable and cold winter winds. A moderately penetrable shelter belt (60% solid, 40% opening) is the most effective; if it is too dense it

will cause turbulence. A good windbreak will give protection over a distance equal to at least eight times its height. Suitable windbreak species are identified in the planting schedule in Table H1.

Prescriptive measures

Landscaping must maximise winter sun and minimise summer sun.

Landscaping must reduce glare and reflection, particularly off driveways and car parks.

Low shrubs, bushes and grasses should be used to reduce the reflection of solar energy from roadways or any other paved surface.

In summer the western elevations of buildings should be protected from the afternoon sun with trees of suitable mature height.

Microclimate control aspects of landscaping must be designed to maximise the opportunity to create a comfortable environment. Landscape design must take into account the placement of evergreen and deciduous species to ensure winter sun penetration and summer shade to buildings and outdoor open space/ recreation areas. In particular:

- Consider shade and canopy spread of trees when locating planting in design;
- Deciduous vegetation to the north of the block provides summer shade and allows winter sun;
- Vegetation on the western side of the block assists in control of afternoon sun;
- Evergreen vegetation should be planted on the eastern, western and southern sides of the block to provide summer shade and to deflect cold winter winds.

H11.5 Element – Existing Vegetation

Element Objective

To promote ecological sustainability and to optimise aesthetic character by maximising retention of existing vegetation.

Performance Criteria

Landscaping should retain, protect and enhance existing natural vegetation. The provisions of Council's adopted Tree Preservation Order apply.

Maximum advantage should be taken of existing mature trees and shrubs on the site^(D) and these should be incorporated into the overall landscape strategy.

The retention of vegetation on a development site^(D) adds an "established" effect and an immediate vertical dimension to the design. Existing vegetation also assists in the retention of the natural character of the Shire and has ecological benefits. In addition, existing vegetation on a site^(D) may be significant for historical, aesthetic or environmental reasons and may be required to be retained by Council provisions.

The effective use of vegetation on a site^(D) can also substantially reduce the landscaping costs of a development.

Prescriptive measures

Vegetation retention must be considered at the initial stages of development design. Buildings, roads, parkland, or other components of a development must be located to retain maximum vegetation on a site^(D). Design intent is important in the protection of significant vegetation.

Provision must be made in the design for the protection of existing vegetation during construction works – for example, fencing barriers and appropriate signage should be provided. Particular effort must be made to protect the root zone of those trees to be retained, by avoiding compaction of this area by construction vehicles, and by ensuring that any stockpiling of materials occurs well away from the drip line of the tree.



Retention of suitable vegetation is encouraged wherever possible to form the backbone of the landscape.

H11.6 Element –Use of Palms

Element Objective

To promote ecological sustainability and aesthetic character by avoiding inappropriate species selection and planting design in the use of palm species.

Performance Criteria

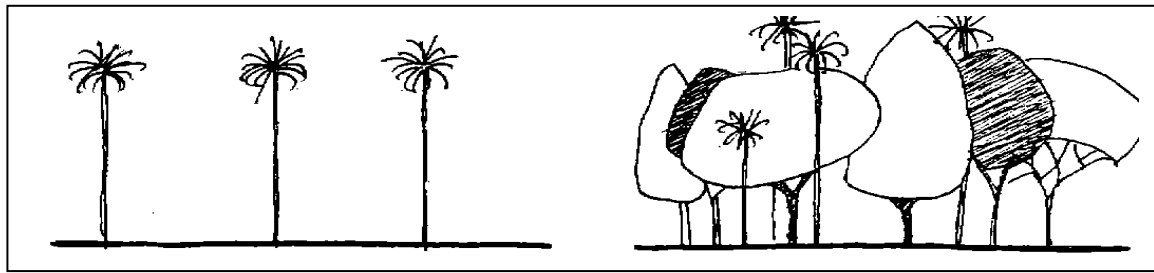
The use of palms in landscapes within Byron Shire is an issue to be approached with concern in relation to both ecology and character. Palms may either enhance a landscape design or make it appear completely out of character. Whilst the use of palms is not completely discouraged, a monoculture of palms, or the use of inappropriate palm species, is not permitted.

Palms have their correct place in landscape design and some species are more appropriate than others. For instance, in thigh, narrow garden beds, courtyards and beside walls, the use of palms may be appropriate. Palms may also be attractive planted as a clump, or in small groups amongst other tree types.

Prescriptive Measures

Palms must not be used as the primary or dominant element in landscape design as often their form accentuates the verticality and scale of buildings.

Palms must be an emergent, rather than a dominant feature in the landscape design, and must be planted to mirror their occurrence in a natural environment. The use of Cocos palms in particular, is not permitted due to their potential to become an environmental weed and to cause maintenance problems.

INAPPROPRIATE USE OF PALMSAPPROPRIATE USE OF PALMS

Formal rows of palms are not in keeping with the overall landscape character of an area. Palms are more attractive when planted in conjunction with other trees or in groups with other palms.

H11.7 Element – Planting Size

Element Objective

To ensure that landscape and planting design is compatible with the scale and character of the proposed development.

Performance Criteria

The selected planting size of proposed species is dependent upon a number of factors, including the scale and nature of the project, availability of planting stock and particular requirements specified in conditions in a development approval. In many cases follow up planting are advantageous once initial planting are established.

Prescriptive Measures

The following planting sizes are the minimum allowable and are stipulated to achieve an initial impact in the landscape design:

- Street and feature trees 45 litre minimum
- Trees 300mm minimum pot size
- Large shrubs 200mm minimum pot size
- Groundcovers 140mm minimum pot size

45 litre specimens should have a well developed straight stem and a minimum diameter of 25mm. They should be well shaped with a densely foliated crown and should not have branching too low on the stem.

H11.8 Element – Planting Density

Element Objective

To ensure that the density of landscaping and planting is compatible with the long term and short term character of the proposed development.

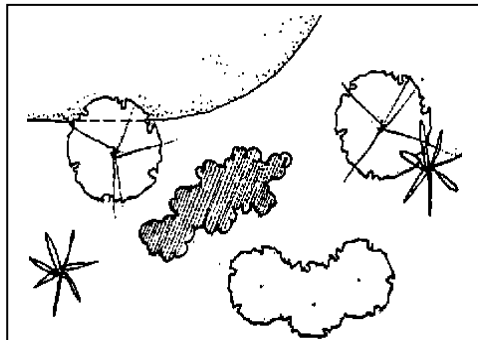
Performance Criteria

It is important when designing a landscape to consider the long term effect. Whilst an average recommended plant density is difficult to determine, it is important to design for a garden bed which will be covered with vegetation once the plants have grown. An even coverage of plants is visually more attractive than a sparse garden bed, and will reduce the likelihood of weed invasion.

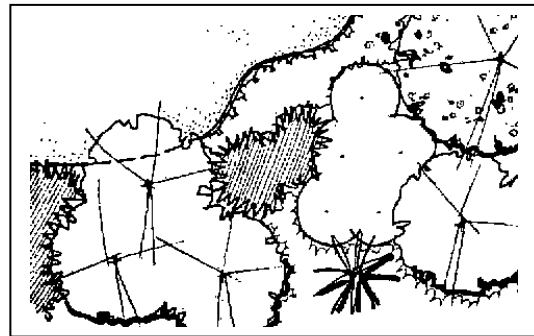
Canopy trees form the structure of the landscape design, and a full middle and understorey of planting must be developed to create a full and interesting landscape area. Adequate density and layering of species must be achieved.

Insufficient plant density and placement results in a sparse and unattractive design. Appropriate “filler” plants must be provided, these being the plant species which will grow to provide an attractive cover of ‘greenery’.

The provision of less than an adequate number of plants may make the landscape design appear unfinished and, as a result, unattractive. Too often the landscape works are budgeted last and, what could have potentially been a good design, ends up looking below standard for the development. A little extra time and money placed into a landscape design can make the difference between a development which looks great and one which looks ‘average’. Research indicates that a well landscaped property or development may achieve an increased sale price as a direct result of this landscaping (up to 20% higher than similar properties with poor landscaping).



Inappropriate plant density



Appropriate plant density

Inappropriate planting density (too few plants for the area) results in a landscape which looks sparse and untidy. Appropriate density develops a full and interesting planting area, which can greatly contribute to the character and appeal of the development.

Prescriptive Measures

Required plant density rates are as follows:

- Trees at 5 metre centres
- Larger shrubs at 2 metre centres
- Groundcovers at 0.5 – 1.0 metre centres.

Buffer Planting density rates to achieve dense screening are as follows:

- | | |
|-----------------|----------------------------|
| - Trees | at 2 metre centres |
| - Larger shrubs | at 1 metre centres |
| - Groundcovers | at 0.5 – 1.0 metre centres |

H11.9 Element – Plant and Tree Species

Element Objective

- *To promote achievement of the Aim, Objective and Guiding Principles of Byron LEP 1988.*
- *To protect biodiversity, and to re-establish and enhance essential ecological processes and life support systems.*
- *To promote a landscape character in the Shire which is based on local indigenous plant species and the natural, subtropical environment of the area.*

Performance Criteria

One of the objectives of this Part of the DCP is to enhance the natural sub-tropical environment particular to the Shire of Byron. Accordingly, the use of plants associated with our sub-tropical and littoral rainforests is encouraged.

The use of indigenous plant species, which occur naturally in the area, will generally result in healthier, faster growing, hardier plants which require little maintenance. The use of local species will also assist in the retention of the natural sub-tropical character of Byron Shire.

While some rainforest species will grow in full sun on fairly exposed coastal sites^(D), other factors such as soil type and drainage may limit their use in certain situations. In these cases it may be more appropriate to select plants associated with our coastal heaths and woodlands.

To assist with the choice of plant species suited to Byron Shire, a number of Tables are provided at the end of this part of the DCP, detailing appropriate plant species and characteristics, butterfly and bird food species, as well as some inappropriate species. The Tables are as follows:

Table H1 – plant species list:

rainforest and heath species are identified along with other information relating to habitat and growing conditions. information is listed in tabular form, designed to enable quick and easy assessment of species suitability for various conditions. The list is divided into these main categories:

- Trees
- Shrubs
- Palms, cycads and palm lilies
- Ferns
- Ground covers, including herbs, climbers and clumping plants.

Table H2 – Flowering Seasons of Major Nectar Bearing Plants in Byron Shire.

Table H3 – Some Butterfly Food Plants of the Riverine Corridor.

Table H4 – Bird Food Plants of the Brunswick Riverine Corridor

Table H5 – Environmental Weed Species

Byron Shire Flora and Fauna Study 1999 contains a detailed list of native vegetation indigenous to the area.

Prescriptive Measures

The selection of plant species is of primary importance when landscaping a site^(D). The species must be determined in relation to the locality of the site^(D) and the existing conditions and must ensure the integration of the built form into the natural environment. A predominance of natives (a minimum of 70% of the total number of plants) must be utilised in landscape design. Canopy trees, which are to develop the structure of the design, must be predominantly native species.

Plant species identified in Table H5 – Environmental Weed Species, are known or potential weed species, and must not be used in landscaping of developments.

H12. LANDSCAPE WORKS AND MAINTENANCE

H12.1 ELEMENT – LANDSCAPE CONSTRUCTION WORKS

Element Objective

To ensure the viability and survival of landscape and planting works.

Performance Criteria

No Performance Criteria are specified for this Element.

Prescriptive measures

Soil Preparation

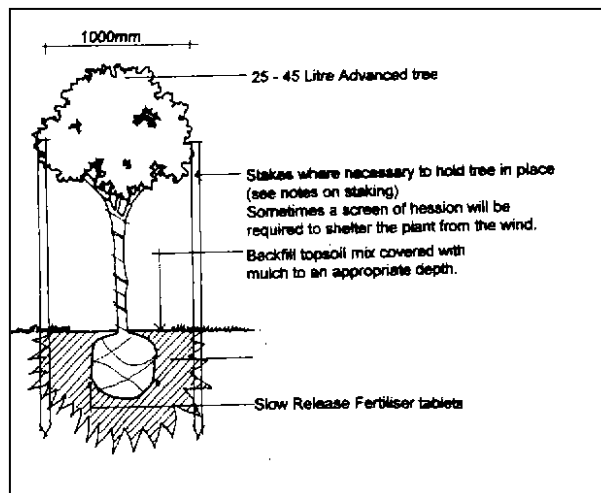
The recommended depths for in-ground garden beds are:

- 200mm of cultivated sub-soil
- 300mm of prepared garden soil

Turfed areas require the preparation of 75mm top-soil (should be of a free draining nature with a sandy loam).

Salinity

Soil in low lying areas may contain high levels of salt so it is important to choose species which will tolerate these conditions



Tree Staking

Staking assists new trees as they are growing. Whilst the exclusion of stakes often promotes a stronger plant in the long run, some areas will require staking regardless.

Staking encourages the trunk to grow straight, may help to protect the tree from works in the area or from being knocked or damaged by outside sources, and will assist trees to remain standing during strong winds. Exposed coastal sites^(D) will generally require staking of larger trees due to strong coastal winds.

As the tree grows, staking must be monitored and maintained to ensure the ongoing health of the tree. Where staking is required, hessian strips (or other approved procedure) must be looped loosely around the trunk and stake in a figure 8 to allow some sway movement, thus encouraging root growth.

Mulch

Spreading organic litter (mulch) around the base of plants is an excellent way to preserve soil moisture, encourage root spread, suppress weed growth and provide essential soil nutrients. Mulch is to be applied at a depth of between 75 – 100mm. Hydro-mulch impregnated with suitable seed may be considered as an alternative to establish plants in the stabilisation of an embankment or areas difficult to access.

The use of weed mat or similar may be considered to reduce maintenance and give the plants a better chance of survival. Plastic should not be used in place of weed mat, as it restricts the amount of water filtering through to the soil and therefore water availability to vegetation, and prevents enrichment of the soil with air, mulch and fertiliser.

Fertiliser

As an effective supplement to the use of garden mulch, the use of an appropriate fertiliser is recommended to assist growth of new plants. Slow release fertiliser may be applied to

each plant in appropriate quantities. It is advisable to closely follow instructions as some species are particularly sensitive to excessive feeding.

Most rainforest species respond well to the application of fertilisers. However, many native plants are adapted to conditions of low soil fertility, such as banksia, Grevillea and Hakea.

Care should be taken when fertilising these types of plant, and only fertilisers with low phosphorus content should be used.

Mounding

Contoured mounds formed into a landscape design provide an effective buffer suitable for planting. Attention must be paid to planting in a mound to ensure the long term survival of the plants. Mounds are best used when a development is to be screened to provide privacy or a landscape transition between a development and a busy road. Mounding and contouring can be used to create a varied and informal setting, as well as a visual buffer and deflector of noise.



The combination of mounding and landscaping screens the bulk of this development from the road.

Earth mounds must be designed as an integral part of the site works and should tie into existing levels at the boundaries. In general, mounds are suitable for grassing unless they are large and have adequate slope (4:1 or flatter, garden beds should be 3:1 maximum).

Irrigation

Consideration must be given to irrigation requirements for planting, particularly if exotic species are utilised which are not suited to the natural rainfall regime. Planting of indigenous species which are suited to the natural rainfall regime will not necessarily require irrigation, other than at establishment.

Irrigation systems such as trickle, drip or spray are recommended as they minimise maintenance.

H12.2 Element - Maintenance

Element Objective

To ensure survival and ongoing functioning of landscaping and planting.

Performance Criteria

maintenance is an important issue in landscape design. to minimise maintenance works, the use of environmentally suitable, low-maintenance species is encouraged, ie primarily locally indigenous native species which are hardy, drought-resistant and, in appropriate cases, salt-tolerant and best adapted to the conditions of the site^(D).

maintenance requirements should also be minimised by utilising design features eg mowing edges, walls etc. the installation of watering systems is encouraged where appropriate.

Prescriptive measures

The developer must maintain landscaping over the establishment period.

- A maintenance regime must be programmed and suitably budgeted as part of the landscape works. A copy of the proposed maintenance regime must be submitted with the Development Application;
- The use of local species will lead to lower maintenance requirements, especially during the establishment period.

Design and construction techniques must ensure that landscaping requires a minimum of maintenance.

Planting must be designed to minimise the possibility of trampling.

Grassed areas must be separated from garden beds with suitable garden edging.

TABLE H1 – PLANT SPECIES LIST

TREES <i>T = Endangered or Vulnerable – as listed by the NSW TSC Act</i>		T = Threatened (TSC Act) R = ROTAP listed P = Poorly Conserved F = Fire Retardant	HEIGHT X = 10m or Over	R = Rainforest H = Heath Species	E = exposed sites S = Semi-exposed	CLAY SOILS	SANDY SOILS	WET SITES	SHADE REQUIRED	Suitable for WINDBREAK	BLOSSOMS or BERRIES	DECIDUOUS
BOTANICAL NAME	COMMON NAME											
Acacia aualcocarpa	Brush Ironbark wattle		X		S		■			■	■	
Acacia bakeri	Marblewood	T,R,F	X	R		■					■	
Acacia concurrens			5		S		■			■	■	
Acacia decurrens	Green wattle		X			■				■	■	
Acacia fimbriata	Brisbane wattle		5			■	■			■	■	
Acacia longifolia	Golden wattle		5	H	E		■	■		■	■	
Acacia melanoxylon	Sally wattle		X		S	■	■			■	■	
Acacia orites	Nightcap wattle	P	X	R		■				■	■	
Acacia saligna	Golden wreath wattle		6		S	■	■			■	■	
Acmena ingens	Red apple	F	X	R		■				■	■	
Acmena hemilampra	Broad-leaved lilly pilly	F	X	R		■		■		■	■	
Acmena smithii	Lilly pilly	F	X	R	S	■	■	■		■	■	
Acronychia imperforata	Beach acronychia	F	X	R	S		■			■	■	
Acronychia littoralis	Scented acronychia	T,R,F	X	R	S		■		■		■	
Acronychia oblongifolia	Common acronychia	F	X	R		■	■			■	■	
Acronychia wilcoxiana	Silver aspen	F	X	R	S	■	■		■	■	■	
Ailanthus triphysa	White bean	F	X	R		■	■					
Akania lucens	Turnipwood	F	X	R		■			■		■	
Alangium villosum	Muskwood	F	X	R		■			■		■	
Alectryon coriaceus	Beach alectryon	F	6	R	E	■	■			■	■	
Alloxylum flameum	Qld tree waratah	F	X	R		■					■	
Alphitonia excelsa	Red ash	F	X	R	S		■			■	■	
Alphitonia petriei	White ash	P,F	X	R		■	■			■	■	
Amorhospermum whitei	Rusty Plum	T,R,F	X	R		■	■		■			
Aphananthe philippensis	Rough-leaved elm	F	3	R		■			■			
Araucaria cunninghamii	Hoop pine	F	X	R	S	■				■		
Araucaria heterophylla	Norfolk Island pine	F	X		E	■	■			■		
Archidendron hendersoni	White lace flower	T,F	X	R	S	■	■		■		■	
Archidendron grandiflorum	Lace flower tree	F	X	R		■	■				■	
Archidendron muellerianum	Veiny lace flower	R,F	X	R		■	■				■	
Argophyllum nullumense	Silver leaf	R,F	8	R		■			■			
Arytera divaricata	Coogera	F	X	R		■	■					
Austronmyrtus bidwillii	Python tree	F	X	R		■	■		■		■	
Austromyrtus fragrantissima	Fragrant myrtle	T,R,F	X	R		■			■		■	
Austromyrtus hillii	Scaly myrtle	F	X	R		■					■	
Backhousia anisata	Aniseed myrtle	R,F	X	R		■				■	■	
Banksia aemula	Old Man banksia		5	H	S		■			■	■	
Banksia integrifolia	Coastal banksia		6		E	■	■			■	■	
Barklya syringifolia	Qld golden barklya		6	R		■					■	
Beilschmedia elliptica	Grey walnut	F	X	R		■					■	
Beilschmedia obtusifolia	Blush walnut	F	X	R		■					■	
Brachychiton acerifolium	Flame tree	F	X	R		■					■	■
Brachychiton discolor	Lacebark	F	X	R		■	■				■	■
Bridelia exaltata	Brush ironbark	F	6	R	S	■	■			■		
Buckinghamia cellissima	Qld ivory curl flower	F	X	R	S	■	■				■	
Callicoma serratifolia	Callicoma	F	X	R		■			■	■	■	
Callistemon salignus	Willow bottlebrush		6		S	■	■	■		■	■	
Callistemon viminalis	Weeping bottlebrush		6		S	■	■	■		■	■	
Callitris columellaris	Coastal cypress pine	P	X		S		■			■		
Canthium coprosmoides	Coast canthium	F	X	R	S	■	■		■		■	
Canthium odoratum	Shiny-leaved canthium	F	X	R		■	■				■	

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Claoxylon australe	Brittlewood	F	X	R		■	■				■			
Clerodendrum tomentosum	Hairy clerodendrum	F	X	R		■					■			
Casuarina glauca	Swamp oak		X			■	■	■			■			
Casuarina littoralis	Black she-oak		X		S	■	■				■			
Casuarina torulosa	Forest oak		X			■	■				■			
Cinnamomum oliveri	Olivers Sassafras	F	X	R		■			■		■			
Cinnamomum virens	Red-barked Sassafras	F	X	R		■			■		■			
Commersonia bartramia	Brown kurrajong	F	X	R		■	■				■	■		
Corokia whiteana	Corokia	T,R,F	8	R		■			■					
Corynocarpus rupestris	Southern corynocarpus	R,F	X	R		■			■					
Cryptocarya triplinervis	Three-veined cryptocarya		X	R	E	■					■	■		
Cryptocarya foetida	Stinking cryptocarya	T,R	X	R			■					■		
Cupaniopsis anacardioides	Tuckeroo	F	X	R	E	■	■				■	■		
Cupaniopsis flagelliformis	Brown Tuckeroo	F	X	R		■			■					
Cupaniopsis newmannii	Long-leaved Tuckeroo	R,F	8	R		■			■					
Cupaniopsis parviflora	Small-leaved Tuckeroo	F	X	R		■								
Davidsonia johnstoni	Smooth Davidson's plum	T,R,F	8	R		■			■			■		
Davidsonia pruriens	Davidson's plum	T,R,F	8	R		■		■				■		
Decaspermum humile	Silky myrtle	F	X	R		■						■		
Diospyros fasciculosa	Grey ebony	F	X	R	S		■		■		■	■		
Diospyros mabacea	Red-fruited ebony	T,R,F	X	R		■			■			■		
Diospyros pentamera	Myrtle ebony	F	X	R		■			■			■		
Diploglottis australis	Native tamarind	F	X	R		■						■		
Diploglottis campbellii	Small-leaved tamarind	T,R,F	X	R		■						■		
Drypetes australiasica	Yellow tulip	F	X	R	S	■	■		■		■	■		
Duboisia myoporoides	Soft corkwood	F	X	R		■	■					■		
Dysoxylum fraserianum	Rosewood	F	X	R		■					■	■		
Dysoxylum mollissimum	Red bean	F	X	R		■	■	■			■	■		
Dysoxylum rufum	Hairy rosewood	F	X	R		■						■		
Elaeocarpus eumundii	Eumundi quandong	F	X	R		■					■	■		
Elaeocarpus grandis	Blue fig	F	X	R		■		■			■	■		
Elaeocarpus kirtonii	Silver quandong	F	X	R		■					■	■		
Elaeocarpus obovata	Hard quandong	F	X	R		■	■	■			■	■		
Elaeocarpus reticulatus	Blueberry ash	F	X	R	S	■		■			■	■		
Elaeocarpus williamsianus	Hairy quandong	T,R,F	X	R		■			■			■		
Endiandra discolor	Rose walnut	F	X	R		■		■	■			■		
Endiandra floydii	Crystal creek walnut	T,R,F	X	R		■	■		■			■		
Endiandra globosa	Black walnut	R,F	X	R		■			■			■		
Endiandra hayesii	Rusty rose walnut	T,R,F	X	R		■			■			■		
Endiandra muelleri subsp bracteata	Green-leaved rose walnut	T,R,F	X	R		■	■		■			■		
Endiandra muelleri subsp muelleri	Green-leaved rose walnut	F	X	R		■			■			■		
Endiandra pubens	Hairy walnut	F	X	R		■			■			■		
Endiandra sieberi	Hard corkwood	F	X	R			■		■			■		
Eucalyptus ficifolia	Red flowering gum		8			■						■		
Eucalyptus grandis	Flooded gum		X		S	■					■	■		
Eucalyptus gummifera	Red bloodwood		X		S	■	■				■	■		
Eucalyptus intermedia	Pink bloodwood		X		S		■				■	■		
Eucalyptus microcorys	Tallowwood		X		S	■					■	■		
Eucalyptus pilularis	Blackbutt		X		S	■	■				■	■		
Eucalyptus robusta	Swamp mahogany		X		S	■	■	■			■	■		
Eucalyptus seeana	Narrow-leaved red gum		X		S	■	■				■	■		
Eucalyptus siderophobia	North Coast grey ironbark		X			■	■				■	■		

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Eucalyptus signata	Scribbly gum		X				■				■			
Eucalyptus tereticornis	Forest red gum		X		S	■	■	■		■	■			
Euroschinus falcata	Ribbonwood	F	X	R	S	■	■		■		■			
Exocarpus latifolius	Broad-leaved ballart	F	8	R	S	■	■				■			
Ficus coronata	Creek sandpaper fig	F	X	R	S	■		■		■	■			
Ficus fraseri	Sandpaper fig		X	R	S	■				■	■			
Ficus macrophylla	Moreton bay fig	F	X	R	S	■	■	■		■	■			
Ficus obliqua	Small-leaved fig	F	X	R	S	■	■	■		■	■			
Ficus rubiginosa	Rusty fig	F	X	R	S	■	■			■	■			
Ficus superba	Deciduous fig	F	X	R	S	■	■	■		■	■	■		
Ficus virens	White fig	F	X	R	S	■	■			■	■		■	
Ficus watkinsiana	Strangling fig	F	X	R	S	■	■	■		■	■			
Flindersia australis	Teak	F	X	R		■				■	■			
Flindersia bennettiana	Bennetts ash	F	X	R		■	■			■	■			
Flindersia schottiana	Cudgerie	F	X	R		■	■			■	■			
Flindersia xanthoxyla	Yellowwood	F	X	R		■				■	■			
Floydia praealta	Ball nut	T,R,F	X	R		■					■			
Geissois benthamiana	Red carrabeen	F	X	R		■				■	■			
Glochidion ferdinandi	Cheese tree	F	X	R		■	■			■	■			
Glochidion sumatranum	Umbrella cheese tree	F	X	R		■	■	■		■	■			
Gmelina leichhardtii	White beech	F	X	R		■					■		■	
Gevillea hilliana	White Yiel Yiel	T,R,F	X	R		■	■				■			
Grevillea robusta	Silky oak	F	X	R		■	■	■		■	■			
Guilfoylia monostylis	Guilfoylia	F	X	R		■				■	■			
Guoia semiglaucula	Guoia	F	X	R	S	■	■			■	■			
Halfordia kendack	Saffron heart	F	X	R	S	■	■				■			
Harpullia alata	Wing-leaved tulip	F	6	R		■			■		■			
Harpullia hillii	Blunt-leaved tulip	F	X	R		■					■			
Harpullia pendula	Tulipwood	F	X	R	S	■	■			■	■			
Helicia ferruginea	Rusty helicea	F	X	R		■			■		■			
Helicea glabriflora	Brown oak	F	X	R		■			■		■			
Heritiera actinophylla	Black booyong	F	X	R		■					■			
Heritiera trifoliolata	White booyong	F	X	R		■				■	■			
Hibiscus heterophyllus	Native Rosella	F	6	R		■					■			
Hibiscus splendens	Pink cottonwood	F	6	R		■					■			
Hibiscus tiliaceus	Cottonwood	F	X	R	E	■	■			■	■			
Hicksbeachia pinnatifolia	Boppel nut	T,R,F	X	R		■			■		■			
Hymenosporum flavum	Native frangipani	F	X	R		■				■	■			
Jagera pseudorhus	Foambark	F	X	R		■	■			■	■			
Lepiderema pulchella	Fine-leaved tuckeroo	T,R,F	X	R		■					■			
Litsea australis	Brown bolly gum	F	X	R	S	■	■				■			
Litsea reticulata	Bolly gum	F	X	R		■					■			
Lophostemon confertus	Brush box		X	R	S	■	■			■	■			
Lophostemon suaveolens	Swamp box		X		S	■	■	■		■	■			
Macadamia tetraphylla	Rough-leaved bush nut	T,R,F	X	R		■				■	■			
Macaranga tanarius	Macaranga	F	8	R	S	■	■			■	■			
Mallotus discolor	White kamala	F	X	R		■				■	■			
Mallotus philippensis	Red kamala	F	X	R		■	■			■	■			
Melaleuca leucadendron	Weeping paperbark		X		S	■	■	■		■	■			
Melaleuca linariifolia	Fine-leaved paperbark		6			■		■		■	■			
Melaleuca quinquenervia	Broad-leaved paperbark		X		S	■	■	■		■	■			
Melia azadarach	White cedar	F	X	R		■	■			■	■	■		
Melicope elleryana	Pink euodia	F	X	R	S	■	■	■		■	■			
Melicopemicrococca	White euodia	F	X	R		■				■	■			

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Melicope octandra	Doughwood	F	X	R		■				■	■			
Mischocarpus anodontus	Veiny pear fruit	F	X	R		■				■	■			
Mischocarpus australis	Red pear fruit	F	X	R		■					■			
Mischocarpus pyriformis	Yellow pear fruit	F	X	R		■	■		■		■			
Neisosperma poweri	Milkbush	P,F	X	R		■					■			
Neolitsea australiensis	Green bolly gum	F	X	R		■			■		■			
Neolitsea dealbata	White bolly gum	F	X	R		■			■					
Notolea longifolia	Large mock olive	F	X	R		■	■				■			
Ochrosia moorei	Southern ochrosia	T,R,F	X	R		■			■		■			
Omolanthus populifolius	Bleeding heart	F	8	R		■	■				■			
Owenia cepiodora	Onion cedar	T,R,F	X	R		■					■			
Pandanus pendunculatus	Pandanus palm	F	8		E	■	■			■				
Parachidendron pruinosum	Snow wood	F	X	R		■					■			
Pentaceras australe	Bastard crow's ash	P,F	X	R		■					■			
Phebalium squameum	Silver leaf bush		6			■	■				■			
Piliostigma glabrum	Plum myrtle	F	X	R		■					■			
Pipturus argenteus	White nettle	F	8	R	S	■					■			
Pittosporum revolutum	Hair pittosporum	F	8	R	S	■	■				■			
Pittosporum rhombifolium	Hollywood	F	X	R		■					■			
Pittosporum undulatum	Native daphne	F	X	R	S	■	■			■	■			
Planchonella australis	Black apple	F	X	R		■					■			
Planchonella chartacea	Thin-leaved coonoo	P,F	X	R	S	■					■			
Planchonella laurifolia	Blush coonoo	P,F	X	R		■					■			
Planchonella myrsinoides	Blunt-leaved coonoo	F	X	R		■					■			
Podocarpus elatus	Brown pine	F	X	R	S	■	■			■	■			
Polyscias elegans	Celerywood	F	X	R		■					■			
Polyscias murrayi	Pencil cedar	F	X	R		■	■				■			
Pseudoweinmannia lachnocarpa	Rose marara	F	X	R		■				■	■			
Quassia sp. A	Quassia	R,F	8	R		■			■		■			
Quintinia sieberi	Possumwood	F	X	R		■			■		■			
Quintinia verdonii	Grey possumwood	F	X	R		■			■		■			
Randia benthamiana	Native gardenia	F	X	R		■			■		■			
Randia chartacea	Narrow-leaved gardenia	P,F	8	R		■			■		■			
Randia moorei	Spiny gardenia	T,R,F	X	R		■					■			
Rapanea variabilis	Muttonwood	F	X	R		■					■			
Rhodamnia argentea	Malletwood	F	X	R		■				■	■			
Rhodamnia maideniana	Smooth scrub turpentine	R,F	8	R		■					■			
Rhodamnia rubescens	Scrub turpentine	F	X	R		■				■	■			
Rhodomyrtus psidioides	Native guava		X	R	S	■	■			■	■			
Rhysotoechia bifoliolata	Twin-leaved tuckeroo	F	X	R		■					■			
Sarcomelicope simplicifolia	Baurella	F	X	R		■				■	■			
Scolopia braunii	Flintwood	F	X	R		■					■			
Sloanea australis	Maidens blush	F	X	R		■				■	■			
Sloanea woosii	Yellow carrabeen	F	X	R		■				■	■			
Stenocarpus salignus	Scrub beefwood	F	X	R		■				■	■			
Stenocarpus sinuatus	Fire wheel tree	F	X	R		■				■	■			
Sterculia quadrifida	Peanut tree	F,P	X	R		■	■				■	■		
Streblus brubonianus	Whalebone tree	F	X	R		■					■			
Syncarpia glomulifera	Turpentine		X		S	■		■		■	■			
Synoum glandulosum	Scentless rosewood	F	X	R		■	■			■	■			
Syzygium australe	Brush cherry	F	X	R	S	■	■			■	■			
Syzygium corynanthum	Sour cherry	F	X	R		■				■	■			
Syzygium crebrinerve	Purple cherry	F	X	R		■				■	■			

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BOTANICAL NAME	COMMON NAME											
Syzygium francisii	Giant water gum	F	X	R		■		■		■	■	
Syzygium hodgkinsoniae	Red lilly pilly	T,R,F	X	R		■		■		■	■	
Syzygium leuhmanii	Riberry	F	X	R	S	■	■			■	■	
Syzygium moorei	Coolamon	T,R,F	X	R		■		■		■	■	
Syzygium oleosum	Blue lilly pilly	F	X	R	S	■	■			■	■	
Toona ciliata	Red cedar	F	X	R		■		■		■	■	■
Tristaniopsis laurina	Watergum	F	X	R		■		■		■	■	
Triunia youngiae	Spice bush	F	8	R		■		■		■	■	
Uromyrtus australis	Peach myrtle	T,R,F	X	R		■		■		■	■	
Waterhousia floribunda	Weeping lilly pilly	F	X	R		■		■		■	■	
Wilkiea austroqueenslandica	Smooth wilkiea	P,F	8	R		■		■		■	■	
Wilkiea huegeliana	Veiny wilkiea	F	8	R		■		■		■	■	
Wilkiea macrophylla	Large-leaved wilkiea	P,F	8	R		■		■		■	■	
Xanthostemon chrysanthus	Qld golden penda	F	X	R		■	■			■	■	
Xylosma terrae-reginae	Xylosma	T,R,F	X	R		■	■			■	■	

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BOTANICAL NAME	COMMON NAME											
Acacia elongata			2				■	■			■	
Acacia floribunda	White sally wattle		3		S	■	■			■	■	
Acacia longifolia sopherae	Beach sally wattle		2	H	F	■	■			■	■	
Acacia podalyriifolia	Queensland silver wattle		3			■	■			■	■	
Acacia suaveolens	Scented wattle		1	H	E	■	■				■	
Acalypha eremorum	Acalypha	T,R,F	2	R		■		■				
Alchornea ilicifolia	Native holly	F	3	R		■	■	■			■	
Alyxia ruscifolia	Prickly alyxia	F	2			■		■				
Aotus ericoides	Heath aotus		1	H	S		■				■	
Archirhodomyrtus beckleri	Rose Myrtle	F	5	R		■		■			■	
Austromyrtus dulcis	Midyim berry	F	2	H	S		■				■	
Baeckia citriodora	Lemon-scented baeckea		3	H	S		■				■	
Banksia ericifolia	Heath banksia	P	3	H	S		■	■			■	
Banksia oblongifolia	Rusty banksia		1.5	H	F	■	■	■			■	
Banksia robur	Large-leaved banksia	P	2	H			■	■			■	
Banksia spinulosa	Hairpin banksia		2		■	■					■	
Boronia falcifolia	Wallum boronia		1	H			■	■			■	
Boronia parviflora	Swamp boronia		2	H	S		■	■			■	
Breynia oblongifolia	Breynia	F	3	R		■	■				■	
Callistemon citrinus	Crimson bottlebrush		2		S	■		■		■	■	
Callistemon pachyphyllus	Wallum bottlebrush		2	H	S	■		■			■	
Citrus australasica	Finger lime	P,F	6	R		■		■			■	
Dillwynia glaberrin	Heathy parrot pea		1	H	S	■					■	
Desmodium acanthocladum	Thorny Pea	T,R,F	3	R	S	■		■			■	
Dodonea triquetra	Hop bush		4	H			■					
Epacris microphylla	Coral heath		1	H			■	■			■	
Epacris obtusifolia	Blunt-leaf heath		1	H			■	■			■	

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BOTANICAL NAME	COMMON NAME											
Epacris pulchella	Wallum heath		1	H	S	■	■	■			■	
Eriostemon australasius	Pink wax flower		2	H	S		■				■	
Grevillea banksii	Banks grevillea		3		S	■	■				■	
Grevillea 'Robyn Gordon'			1			■	■				■	
Gompholobium virgatum	Smooth golden pea		1	H	S		■				■	
Hakea sericea	Hakea		2	H	S	■	■				■	
Helichrysum diosmifolium	White dogwood		1	H	S	■	■				■	
Homoranthus virgatus	Banana bush		1	H	S		■				■	
Hovea acutifolia	Hovea		2		S	■	■				■	
Leptomaria acida	Native currant		3	H	S		■				■	
Leptospermum flavescens	Common tea tree		3	H	S	■		■		■	■	
Leptospermum liversidgei	Lemon-scented tea tree		2	H	S	■	■	■		■	■	
Leptospermum rotundifolium	Round-leaf tea tree		3	H	S		■			■	■	
Leptospermum semibaccatum	Sof-fruited tea tree		2	H	S		■	■		■	■	
Leptospermum squarrosum	Peach-flowered tea tree		2	H	S					■	■	
Leptospermum whiteii	White's tea tree		3	H	S		■	■		■	■	
Leucopogon ericoides	Pink beard heath		2	H	S		■			■	■	
Leucopogon lanceolatus	Wallum beard heath		2	H	S		■			■	■	
Leucopogon magarodes	Pearl beard heath		2	H	S		■			■	■	
Leucopogon parviflorus	Beach beard heath		2	H	S		■			■	■	
Lomatia silaifolia	Crinkle bush		1	H	S	■	■				■	
Melaleuca nodosa	Noddy myrtle		3	H	S	■	■	■			■	
Melaleuca thymifolia	Thyme honey myrtle		1.5	H	S	■	■	■			■	
Monotoca elliptica	Tall broom heath		4	H	S		■		■	■		
Oxylobium robustum	Golden shaggy pea		3	H	S		■				■	
Persoonia attenuata	Geebung		3	R		■					■	
Persoonia tenuifolia	Pine-leaved geebung		1		H	■	■				■	
Phyllanthus microcladus	Brush sauropus	T,R,F	2	R		■			■			
Psychotria loniceroides	Hairy psychotria	F	3	R		■	■					
Pultanaea myroides	Silvery bush pea		1	H	S	■					■	
Pultanaea villosa	Hairy bush pea		1	H	S		■				■	
Ricinocarpus pinifolius	Wedding bush		3	H	S		■			■	■	
Senna acclinis		T,R	3	R		■	■				■	
Sprengelia sprengelioides	White swamp heath		1	H	S		■	■			■	
Styphelia viridis	Green styphelia		1	H	S		■				■	
Vitex purpurea	Vitex		2		E	■	■			■	■	
Westingria fruticosa	Native rosemary		1.5		E	■	■				■	
Xanthorrhoea johnsonii	Grass tree		2	H			■				■	
Xanthorrhoea macronema	Bottle brush grass tree		2	H			■	■			■	
Xanthorrhoea resinosa	Spear grass tree		1	H		■		■			■	
Ziera smithi	Sandfly ziera		1	H			■					

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BOTANICAL NAME	COMMON NAME											
Achontopheonix cunninghamiana	Bangalow palm	F	X	R		■		■			■	

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BOTANICAL NAME	COMMON NAME											
Cordyline congesta	Palm lily	R,F	2	R		■	■	■	■		■	
Cordyline petiolaris	Broad-leaved palm lily	F	4	R		■	■	■	■		■	
Cordyline rubra	Red-fruited palm	F,P	2	R		■	■		■		■	
Cordyline stricta	Narrow-leaved palm lily	F	2	R		■		■	■		■	
Lepidozamia proffskyana	Shining burrawong	F	2	R		■					■	
Linospadix monostachys	Walking stick palm	F	2	R		■			■		■	
Livistona australis	Cabbage tree palm	F	X	R		■	■	■			■	

FERNS <i>T = Endangered or Vulnerable – as listed by the NSW TSC Act</i>		T = Threatened (TSC Act) R = ROTAP listed P = Poorly conserved F = Fire Retardant	HEIGHT X = 10m or Over	R= Rainforest H = Heath Species	E = exposed sites S= Semi-exposed	CLAY SOILS	SANDY SOILS	WET SITES	SHADE REQUIRED	Suitable for WINDBREAK	BLOSSOMS or BERRIES	DECIDUOUS
BOTANICAL NAME	COMMON NAME											
Acrostichum speciosum	Mangove fern		1.5		S		■	■				
Adantum hispidulum	Rough maidenhair fern		0.5	R		■			■			
Asplenium nidus	Birds nest fern	F	1	R		■			■			
Blechnum cartilagineum	Gristle fern		0.5		S	■						
Blechnum indicum	Swamp water fern		0.5	R	S	■	■	■				
Cheilanthes tenuifolia	Rock fern		0.5		S	■						
Chrtistella centata	Binung		0.5	R		■		■	■			
Cyathea australis	Rough tree fern		5	R		■						
Cyathea cooperii	Straw tree fern		5	R		■	■					
Doodia aspera	Rasp fern	F	0.5	R		■			■			
Drynaria rigidula	Basket fern	T	0.5	R		■	■		■			
Gleichenia dicarpa	Pouched coral fern		1	R		■	■	■	■			
Hypolepsis muelleri	Harsh ground fern		1	R	S	■		■				
Lastreopsis acuminata	Shiny shield fern		1	R	S	■		■				
Todea barbara	King fern		1.5	R		■	■	■	■			

GROUND COVERS <i>T = Endangered or Vulnerable – as listed by the NSW TSC Act</i>		T = Threatened (TSC Act) R = ROTAP listed P = Poorly conserved F = Fire Retardant	HEIGHT X = 10m or Over	R= Rainforest H = Heath Species	E = exposed sites S= Semi-exposed	CLAY SOILS	SANDY SOILS	WET SITES	SHADE REQUIRED	Suitable for WINDBREAK	BLOSSOMS or BERRIES	DECIDUOUS
BOTANICAL NAME	COMMON NAME											
Alpinia caerulea	Native ginger	F	2	R		■	■		■		■	
Austromyrtus dulcis	Midgen berry	F	1.5	R/H	S	■	■	■		■		
Bossiaea ensata	Sword Bossiaea		1	H	S		■			■		
Brachycombe multifida	Hawkesbury daisy		1		S	■	■			■		■
Cissus antactica	Water vine	F	C	R		■	■	■	■	■		
Cissus hypoglauca	Five-leave water vine	F	C	R	S	■	■	■	■	■		
Commelina cyanea.	Native wondering jaw	F	0.5	R		■	■	■	■			■
Crinum pedunculatum	Crinum Lilly	F,P	1	R	E	■	■	■				
Dampiera diversifolia	(herb)		1	H	S		■			■		■
Dampiera stricta	Blue Dampiera		1	H	S		■			■	■	
Eustrephus latifolius	Wombat berry	F	C	R		■	■			■		
Geitonoplesium cymosum	Scrambling lily	F	C	E		■	■			■		
Grevillea juniperina			0.5			■	■			■		

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BOTANICAL NAME	COMMON NAME											
Grevillea poorinda	Royal mantle		0.5			■				■		■
Hardenbergia violacea	Purple coral pea		1	R/H		■	■			■		■
Hibbertia dentata obtusifolia	Trailing guinea flower		C	R		■	■		■	■		
Hibbertia scandens	Golden guinea flower		C	H	E	■	■			■		
Hibbertia bestita	Hairy guinea flower		1	H	S	■	■			■		
Hoya australis	Native hoyo	F	C	R		■	■		■	■		
Ipomea pes-caprae	Goatsfoot ipomea		C		E		■			■		
Kennedia rubicunda	Dusky coral pea		C	H	S	■	■			■		
Lomandra longifolia	Mat rush		1	H		■	■	■			■	
Lycopodium cernuum	Club moss		0.5	R		■		■	■			■
Pandora pandorana	Wonga vine	F	C	H	S	■	■			■		
Parsonsia straminea	Common silkpod	F	C	R	S	■	■		■	■		
Pimelia linifolia	Rice flower		1.5	H	S	■	■			■		
Restio tetraphyllis			0.5		S		■	■			■	
Smilax glycyphylla	Sweet sarsparilla	F	C	R	S		■		■	■		
Stephanica japonica	Snake vine	F	C	R	S	■			■			
Strangea linearis #	Strangea		0.5	H	S		■					
Tertathea thymifolia	Black-eyed susan		0.5	H	A		■			■		

TABLE H2 – FLOWERING SEASONS OF MAJOR NECTAR BEARING PLANTS IN BYRON SHIRE

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Pink Bloodwood	O	O	O									O
Beach Acronychia		O	O									
Blackbutt		O	O	O								
Red Bloodwood		O	O									
Flooded Gum		O	O	O	O							
Broad-leaved Paperbark	O	O	O	O	O	O						
Wallum Banksia		O	O	O	O	O	O	O				
Swamp Banksia			O	O	O	O						
Blue Fig			O	O	O	O						
Coastal Banksia			O	O	O	O	O	O	O			
Heath-leaved Banksia			O	O	O	O	O					
Tallowwood						O	O	O	O	O	O	
Scribbly Gum							O	O	O			
Ironbark								O	O	O		
Swamp Mahogany								O				
Red Mahogany								O				
Forest Red Gum								O	O	O		
Turpentine										O		
Willow Bottlebrush									O	O		
Silky Oak										O		
Grass Trees											O	
Black Bean											O	
Swamp Bottlebrush	O	O	O	O	O	O	O	O	O	O	O	
Grey Mangrove					O	O	O	O	O			
River Mangrove									O	O		

Source: *National Parks and Wildlife Service*

Consistent with the objects of the National Trust of Australia (NSW) Act, 1990, the Trust has a special interest in the conservation of landscapes which it recognises as having heritage value for future generations as well as for the present community.

Landscapes are classified in the Trust Register as Landscape Conservation Areas if, in the Trust's view, they satisfy the criteria for classification.

TABLE H3 - SOME BUTTERFLY FOOD PLANTS OF THE RIVERINE CORRIDOR.

PLANT SPECIES	BUTTERFLY SPECIES
<i>Acacia melanxylon</i>	Common Imperial Blue, ictinus Blue
<i>Acmena smithii</i> (Lilly Pilly)	Common red-eye, Eastern Flat
<i>Alectryon subcinereus</i> (Wild Quince)	Eastern Flat, Pencilled Blue
<i>Aphananthe philippinensis</i> (Rough-leaved Elm)	Common Aeroplane
<i>Archontophoenix cunninghamia</i> (Bangalow Palm)	Orange Palmdart
<i>Breynia oblongifolia</i> (Breynia)	Common Grass Yellow
<i>Capparis arborea</i> (Brush Cape Berry)	Cape White, Common Pearl White
<i>Castanospermum australe</i> (Black Bean)	Pencilled Blue
<i>Citriobatus pauciflorus</i> (Orange Thorn)	Bright Copper
<i>Cryptocarya triplinervis</i> (Three-veined Cryptocarya)	Blue Triangle, Macleay's Swallowtail
<i>Doryphora sassafras</i> (Sassafras)	Macleay's Swallowtail
<i>Ehretia acuminata</i> (Koda)	Hairy Lineblue, Common Aeroplane
<i>Elaeocrapus obovatus</i> (Hard Quandong)	Fiery Jewel
<i>Endiandra pubens</i> (Hairy Walnut)	Macleay's Swallowtail
<i>Ficus obliqua</i> (Small-leaved Fig)	Common Australian Crow
<i>Flindersia australis</i> (Teak)	Orchard Butterfly
<i>Litsea reticulata</i> (Bolly Gum)	Blue Triangle
<i>Livistona australis</i> (cabbage Tree Palm)	Orange Palmdart
<i>Lophostemon confertus</i> (Brush Box)	Common red-eye, Eastern Flat
<i>Macadamia tetraphylla</i> (Queensland Nut)	Six lineblue, Eastern Flat
<i>Neolitsea dealbata</i> (White Bolly Gum)	Blue Triangle
<i>Notolaea longifolia</i> (Large Mock-olive)	Eastern Flat
<i>Podocarpus elatus</i> (Brown Pine)	Eastern Flat
<i>Wilkiea huegeliana</i> (Veiny Wilkiea)	Regent Skipper
<i>Aristolochia praevenosa</i> (Aristolochia)	Richmond Birdwing

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PLANT SPECIES	BUTTERFLY SPECIES
<i>Flagellaria indica</i> (Whip Vine)	Large Darter
<i>Malaisia scandens</i> (Burny Vine)	Eastern Brown Crow
<i>Niletia megasperma</i> (Native Wisteria)	Pencilled Blue, Large Banded Owl
<i>Parsonsia straminea</i> (Common Silkpod)	Common Australian Crow
<i>Passiflora edulis</i> (Passionfruit)	Glasswing
<i>P.subpeltata</i> (White Passionfruit)	Glasswing
<i>Rauwenhoffia Leichhardtii</i> (Zig-Zag Vine)	Pale Green Triangle, Fourbar Swordtail
<i>Smilax australis</i> (Austral Sarsparilla)	Cephenes Blue

Source *Common and Waterhouse, 1981*

TABLE H4 - BIRD FOOD PLANTS OF THE BRUNSWICK RIVERINE CORRIDOR

PLANT SPECIES	BIRD SPECIES
<i>Acacia melanoxylon</i> (blackwood)	King Parrot, Lewin's Honeyeater, Brown and Wonga Pigeons
<i>Acmena smithii</i> (Lilly Pilly)	King Parrot, Crimson Rosella, Satin Bowerbird, Pied Currawong, Rose-crowned, Superb, Topknot & Wonga Pigeons
<i>Alectryon subcinereus</i> (Wild Quince)	Green Catbird
<i>Alphitonia exceisa</i> (Red Ash)	Green Catbird, Lewin's Honeyeater, Olive-backed Oriole, Pied Currawong, Regent Bowerbird, Varied Triller, Brown Pigeon
<i>Aphananthe philippinensis</i> (Rough-leaved Elm)	King Parrot, Figbird, Green Catbird, Lewin's Honeyeater, Olive-backed Oriole, Pied Currawong, Rainbow lorikeet, Scaly-breasted Lorikeet, Satin Bowerbird, brown Pigeon, Black-faced and Yellow-eyed Cuckoo Shrikes
<i>Archontophoenix cunninghamiana</i> (Bangalow Palm)	Crimson Rosella, Green Catbird, Lewin's Honeyeater, Pied Currawong, Satin Bowerbird, Topknot, White-headed and Wompoo Pigeons
<i>Heritiera trifoliolata</i> (White Booyong)	Scrub Turkeys
<i>Arytera distylis</i> (Twin-leaved Coogera)	Figbird, Regent Bowerbird
<i>Austromyrtus bidwillii</i> (Python Tree)	Rose-crowned Pigeon
<i>Cryptocarya obovata</i> (Pepperberry Tree)	Figbird, Rose-crowned, Topknot & Wompoo Pigeons
<i>Dendrocnide excelsa</i> (Stinging Tree)	Green Catbird, Regent Bowerbird
<i>Diplogottis australis</i> (Native Tamarind)	Crimson Rosella, Figbird, Green Catbird, Regent Bowerbird, Brown, Rose-crowned, Topknot & Wompoo Pigeons
<i>Ehretia acuminata</i> (Koda)	Figbird, Green Catbird, Lewin's Honeyeater, Brown, Rose-crowned & Wompoo Pigeons
<i>Elaeocarpus grandis</i> (Blue Fig)	Green Catbird, Pied Currawong, Rose-crowned, Topknot, Superb and Wompoo Pigeons
<i>Elaeocarpus reticulatus</i> (Blueberry Ash)	Crimson Rosella, Figbird, Olive-backed Oriole, Regent Bowerbird, Wonga and White Headed Pigeons
<i>Ficus coronata</i> (Creek Sandpaper Fig)	Figbird, Green Catbird, Olive-backed Oriole
<i>Ficus macrophylla</i> (Moreton Bay Fig)	Figbird, Green Catbird, Lewin's honeyeater, Pied Currawong, Regent & Satin Bowerbird, Torresian Crow, Yellow-eyed Cuckoo-shrike, Rose-crowned, Topknot & Wompoo pigeons
<i>Ficus obliqua</i> (Small-leaved Fig)	Black-faced Cuckoo-shrike, Pied Currawong, Green Catbird, Figbird, Lewin's Honeyeater, Olive-backed Oriole, Regent & Satin Bowerbird, Silvereye, Brown, Rose-crowned, Topknot, Wompoo & Wonga Pigeons
<i>Ficus virens</i> (White Fig)	Figbird, Green Catbird, Lewin's honeyeater, Pied Currawong
<i>Glochidion ferdinandi</i> (Cheese Tree)	Figbird, Lewin's Honeyeater, Olive-backed Oriole, Brown, Topknot & White-headed Pigeons
<i>Glochidion samatranum</i> (Umbrella Cheese Tree)	Lewin's honeyeater
<i>Guioa semiflauca</i> (Guioa)	King Parrot, Eastern Rosella, Figbird, Lewin's Honeyeater, Olive-backed Oriole, Pied Currawong. Varied Triller

Development Control Plan 2010 – Chapter 1 Part H – Landscaping
Adopted 3 March 2011 Effective 31 March 2011 (#1068714)

Note: ^(D) = definition included in Chapter 1 Part A7 of this DCP

PLANT SPECIES	BIRD SPECIES
<i>Halfordia kendack</i> (Saffron-heart)	Green Catbird, Topknot Pigeon, Wompoo Pigeon
<i>Jagera pseudortius</i> (Foambark)	King Parrot, Green Catbird
<i>Litsea leefeana</i> (Brown Bolly Gum)	Rose-crowned, Superb, Topknot and Wompoo Pigeons
<i>Livistona australis</i> (Cabbage Tree Palm)	Pied Currawong, Topknot & White-headed Pigeons
<i>Lophostemon confertus</i> (Brush Box)	Crimson Rosella
<i>Melia azedarach var australiasica</i> (White Cedar)	Emerald Dove, Figbird, Green Catbird, Lewin's Honeyeater, Pied Currawong, Regent & Satin Bowerbird, Wompoo, Wonga & White-headed Pigeons
<i>Mischocarpus pyriformis</i> (Pear-fruited Tamarind)	Lewin's Honeyeater
<i>Neolitsea dealbata</i> (White Bolly Gum)	Green Catbird, Brown, Rose-crowned, Superb, Topknot, Wompoo & White-headed Pigeons
<i>Notolaea longifolia</i> (Large Mock-Olive)	Brown Pigeon
<i>Olea paniculata</i> (Native Olive)	King Parrot, , Green Catbird, Regent Bowerbird, Brown, Rose-crowned, Topknot, Wompoo & White-headed Pigeons
<i>Pittosporum undulatum</i> (Native Daphne)	Crimson Rosella, Silvereye
<i>Planchonella australis</i> (Black Apple)	Green Catbird
<i>Podocarpus elatus</i> (Brown Pine)	Green Catbird, Pied Currawong, Satin Bowerbird, Wompoo Pigeon
<i>Rhodamnia argentea</i> (Malletwood)	Green Catbird, Lewin's Honeyeater, Regent Bowerbird
<i>Rhodamnia rubescens</i> (Brush Turpentine)	Brown Pigeon, Green Catbird, Figbird
<i>Sarcopteryx stipata</i> (Steelwood)	Green Catbird, Lewin's Honeyeater
<i>Sloanea australis</i> (Maiden's Blush)	King Parrot, Brown Pigeon, Figbird, Lewin's Honeyeater, Olive-backed Oriole, Paradise Riflebird, Regent Bowerbird, Silvereye
<i>Sloanea woollsii</i> (Yellow Carabeen)	King Parrot, Green Catbird, Regent Bowerbird, Satin Bowerbird, Broen, Rose-crowned, Topknot & Wompoo Pigeons
<i>Streblus brunonianus</i> (Whalebone Tree)	Green Catbird, Lewin's Honeyeater, Brown, Rose-crowned & Topknot Pigeons
<i>Syzygium luehmsanii</i> (Riberry)	Figbird
<i>Trema aspera</i> (Poison Peach)	Brown Pigeon, Figbird, Lewin's Honeyeater, Olive-backed Oriole
<i>Trochocarpa laurine</i> (Tree Heath)	Lewin's Honeyeater, Pied Currawong

Source: Floyd, 1989

TABLE H5 – ENVIRONMENTAL WEED SPECIES

These species on this list require assessment of actual and potential threats to native vegetation, present distribution and abundance and effectiveness of dispersal. A coding system can be developed to guide priorities for removal.

Common Name	Botanical Name	Common Name	Botanical Name
Alexander Palm	Archontophoenix alexandrae	Coffee	Coffea arabica
African Box-thorn	Lycium ferocissimum	Coral Berry	Rivina humilis
African Tulip Tree	Spathodea campanulata subsp. Rotundata	Coral Tree *	Erthrina x sykesli
Aloe	Aloe sp.	Coreopsis	Coreopsis lanceolata
Ardisia	Ardisia crenata	Corky Passionfruit	Passiflora suberosa
Arum lily	Zantedeschia aethiopica	Cotoneaster	Contoneaster glycophylla
Asparagus Fern	Protasparagus plumosus	Creeping Bamboo	Arundinaria spp.
Balloon Vine	Cardiospermum grandiflorum	Crocoshia, Monbreia	Crocoshia x crocosmiiflora
Balsam, Busy Lizzie	Impatiens walleriana	Crofton Weed	Ageratina adenophora
Barner Grass	Pennisetum purpureum	Crucifix Orchid	Epidendrum sp.
Billy Goat Crofton	Ageratum houstonianum	Cuphae	Cuphea carthagenensis
Bitou Bush	Chrysanthemoides monilifera Subsp. rotundata	Devils Apple	Solanum capsicoides
Black Bamboo	Phyllostachys nigra	Devils Fig	Solanum torvum
Black Locust	Robinia pseudocacacia	Dombeya	Eugenia dombeya
Black-eyed Susan	Thunbergia alata	Duranta	Duranta repens
Blue Periwinkle	Vinca major	Dutchmans's p ipe	Aristolochia elegans
Blue Sky Flower	Thunbergia grandiflora	Edible Passionfruit	Passoflora edulis
Brazilian Cherry	Eugenia uniflora	Elephan Ears	Alocasia aroides
Broad-leaved Pepper Tree *	Schinus terebrinthifolia	Euryops	Euryops chrysanthemoides
Buddleja, Butterfly bush	Buddleja madagascariensis	Fisbone Fern	Nephrolepis cordifolia
Bunya Pine	Araucaria bidwillii	Fishbone Fern	Nephrolepis exaltata
Cadaghi	Corymbia torelliana	Florists Smilax	Myrsphyllum asparagoides
Camphor Laurel *	Cinnamomum camphora	Formosan Lily	Lillium formosanum
Canna Lily	Canna indica	Freckle Face	Hypoestes sanguinolenta
Cape Honeysuckle	Tecoma capensis	Gian Devils Fig	Solanum hispidum
Cape Ivy	Delairea odorata	Gladiolus	Gladiolus spp.
Cardamon Ginger	Alpina calcarata	Glory Lily	Gloriosa superba
Castor Oil plant	Ricinus communis	Golden Rain Tree	Koelreutia paniculata
Cs Claw Vine	Macfadyene unguis-cati	Golden Shower Vine	Pyrostegia ignea
Chinese Elm, Hackleberry	Celtis sinensis	Golden Trumpet Tree	Tabebuia chrysantha
Century Plant	Agave americana	Green Cestrum	Cestrum parqui
Cherry Guava	Psidium cattleianum	Ground Asparagus	Protasparagus aethiopicus
Climbing Asparagus	Protasparagus africanus	Groundsel	Baccharis Halimifolia
Climbing Fig	Ficus pumila	Guava *	Psidium guajava
Climbing Nightshade	Solanum seafortianum	Hairy Commelina	Commelina benghalensis
		Honey Locust	Gleditsia Triacanthos
		Inkweed	Phytolacca octandra

Common Name	Botanical Name	Common Name	Botanical Name
Coast Teatree	Leprospermum laevigatum	Japanese Honeysuckle	Lonicera japonica
Coastal morning Glory	Ipomoea cairica	Japanese Sunflower	Tithonia diversifolia
Cockspur Coral Tree	Erythrina crista-galli	Icecream Bean	Inga spp.
Cocos Palm *	Syagrus romanzoffiana	Jaboticaba	Eugenia jaboticaba
Common Olive	Olea europaea subsp. africana	Jacaranda	Jacaranda mimosifolia
Jasmine	Jasminum spp.	Rubber Tree *	Ficus elastica
Jerusalem Cherry	Solanum pseudocapsicum	Running Bamboo	Bambusa sp.
Kahili Ginger	Hedychium gardnerianum	Salvia	Salvia coccinea
Kudzu	Pueraria lobata	Schizolobium	Schizolobium parahibum
Lady of the Night	Cestrum nocturnum	Seal Heal	Prunella vulgaris
Lantana	Lantana camara	Setaria	Setaria sphacelata
Large-leaved Privet *	Ligustrum lucidum	Shasta Daisy	Dendranthema maxima
Loquat	Eriobotrya japonica	Silver-leaved Desmodium	Desmodium uncinatum
Madagascar Periwinkle	Catharanthus roseus	Singapore Daisy	Wedelia trilobata
Madeira Vine	Anredera cordifolia	Siratiro	Macroptillium antropurpureum
Mist Weed	Agertina riparia	Slash Pine *	Puinus elliotii
Moon Flower	Ipomoea alba	Slender Pigeon Grass	Setaria gracillis
Moth Vine	Araujia sericiflora	Small-leaved Privet *	Ligustrum sinense
Other of Millions	Bryophyllum delagoense	Smooth Cassia	Senna x floribunda
Mulberry	Morus alba	Spanish Bayonet	Yucca aloifolia
Marraya	Marraya panivulata	Spider Lily	Chlorophytum comosum (cv. Variegatum)
Night Flowering Cactus	Hylocerus undatus	Stinking Passionfruit	Passiflora foetida
Ochna	Ochna serrulata	Striped Wandering Dew	Tradescantia zebrina
Oleander *	Nerium oleander	Tecoma	Tecoma stans
Orange Cestrum	Cestrum aurantiacum	Thorny Poinciana	Caesalpinia decapetala
Orange Coral Tree	Erythrina nigra	Tobacco Bush	Solanum mauritianum
Painted Spurge	Euphorbia cyathophora	Tree of Heaven	Ailanthus altissima
Pampass grass	Cortaderia selloana	Turkey Rhubarb	Acetosa sagittata
Paspalum	Paspalum dilatatum	Umbrella Tree *	Schefflera actinophlla
Paulownia	Paulownia tomentosa	Wandering Dew	Tradescantia fluminensis
Perpper Tree	Schinus areira	Watsonia	Watsonia meriana
Pink-flowered Ginger	Hedychium coxinium	White-flowered Ginger	Hedychium Spicatum
Purple Morning Glory	Ipomoea purpurea	White Passionfruit	Passiflora subpeltata
Queensland Maple	Flindersia brayleyana	Willow	Salix subsp.
Ragweed	Ambrosia artemisiifolia	White Sapote	Casimiroa edulis
Red Head Cotton Bush	Asciepias curassavica	Winter Senna	Senna pendula var. glabrata
Resurrection Plant	Bryophyllum pinnatum	Woolly Rattlepod	Crotalaroa incana subsp. incana
Rhus Tree *	Toxicodendron succedaeum	Yeddo Hawthorn	Raphiolepis umbrellata 'Ovata'
Rough Lemon	Citrus limonia		
Indian Hawthorn	Raphiolepis indica		

* indicates species included in Council's Tree Preservation Order

Chapter 1: Part J

Coastal Erosion Lands

Document History

Doc No.	Date Amended	Details Comments eg Resolution No.
#312309	14 October 2010	Res 10-696 - to create Draft DCP 2010 for public exhibition
#1017143		Draft DCP 2010 Part J (public exhibition copy)
#1068732	14 March 2011	Adopted Res 11-169 - Format changes applied
E2018/42848	19 April 2018	Res 18-207 - Draft DCP 2010 Part J (public exhibition copy)
E2018/56689	3 July 2018	Draft DCP 2010 Part J (Submissions Report Copy)
E2018/69707	2 August 2018	Adopted Res 18-454

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J1. INTRODUCTION

What is the purpose of this Part?

The purpose of this Part of the DCP is to provide advice, guidelines and development standards addressing coastal hazard issues in Byron Shire. This Part of the DCP applies to land affected by predicted coastal erosion and coastal hazards as defined on Maps provided to Council by the NSW Department of Land and Water Conservation.

What are the Objectives of this Part?

The Objectives of this Part of the DCP are:

- To make provision for the orderly and economic development of land within the coastal erosion zones.
- To ensure that such development is carried out in a manner which does not adversely affect coastal processes and which will not be adversely affected by coastal processes.
- To provide guidelines for determination of the merits of development on coastal lands as required by section 79C(a)(iv) of the Environmental Planning and Assessment Act 1979.

J2. DEVELOPMENT STANDARDS

J2.1 Element – Precinct 1 - from the Beach Escarpment to the Immediate Impact Line

Element Objective

To ensure the impact of coastal processes on potential development is minimised by limiting development and ensuring any development is only temporary.

Performance Criteria

New buildings or works are to be temporary and able to be readily removed in the event of coastal erosion.

Development that is of a community nature, which relates to the use of the beachfront, may be considered, provided that any building is easily removable and does not require a major extension to a service main.

Where vacant urban-sized lots exist wholly within this precinct, the location of unregistered mobile homes as defined by the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* and as further described in this DCP, may be considered. These may comprise more than one unit, but all units must be capable of separation and relocation by four wheel drive car (rather than truck) prior to damage by the sea.

Erection of sacrificial structures, such as decks, may be possible where these do not prejudice relocation of other building sections. All elements, including decks, foundations and supports must be removed from the site^(D) prior to damage by the sea.

Extensions or alterations to existing buildings in Precinct 1 must be limited to minor works only, and must be capable of swift removal or demolition if coastal processes threaten the development.

Prescriptive measures

1. No building is to be located with 20 metres of the erosion escarpment.
2. Dwellings^(D) and component modules be single storey^(D) only and of minimal practical floor level, except where a minimum floor level is required in flood prone areas in which case an elevated floor level may be permitted.
3. Dwellings^(D) must be entirely modular in construction, apart from sacrificial elements such as decks. Removable panels or similar componentry must not be used as structural elements, other than to provide screening to open space or car parking areas.
4. Dwellings^(D) must consist of no more than three (3) modules. Each module must satisfy the following specifications:
 - a) Maximum width: 4.6m
 - b) Maximum height: 4.4m when loaded for towing
 - c) Maximum weight: 5000kg including towing equipment (engineers certification required).
5. Development proposals must include complete details of the removal procedure to ensure relocation can be practically achieved in 12 hours. Relocation procedures must be permanent, fail safe and require little maintenance. This must include:
 - a) Identification of a removal route and destination outside Precinct 1
 - b) a method of resiting the modules after removal (such as restumping) and any resources necessary for resiting, such as spare axle sets or mounting blocks;

- c) use of not more than one 4WD vehicle for the entire relocation procedure (more may be used in practice but relocation must not rely on more than one being available);
 - d) manoeuvring details, including turning templates for laden vehicles to exit the site^(D) and provision of sufficient hard surface area to accommodate manoeuvring;
 - e) removal of any obstacles on-site or en-route;
 - f) certification by a practicing structural engineer that each module is stable and safe under towing conditions, and
 - g) removal of all elements, including decks, foundations and supports .
6. The relocation procedure must not require equipment reliant on mains electricity, such as power tools or winches, and must require no more than three people to achieve all necessary tasks.
7. All equipment required for the relocation procedure must be stored on-site and under cover, and maintained in a sound working condition at all times. The relocation procedure must be documented and stored on-site.

Existing Buildings

In this clause, "gross floor area"^(D) means the sum of all the floor plan areas^(D) of a building, where "floor plan area"^(D) has the meaning ascribed to it in Part C of this plan (Residential Development).

Extensions or alterations to existing buildings will be considered on their merits. Consideration will be given to the location of the erosion escarpment, the type of building involved and access to the site^(D). Alterations or extensions will be considered where there will be no adverse effect on the ability of the building to be removed in an emergency. Generally extensions to existing buildings will be limited to:

- (a) where the gross floor area^(D) of the existing building is less than 100 m² - extensions that will make the gross floor area^(D) no greater than 100 m²;
- (b) where the gross floor area^(D) of the existing building is 100 m² or more - 10% of the gross floor area^(D) of the existing building at the date of commencement,

providing that only one such extension per building will be permitted since 1989.

Where an existing building is destroyed totally or partially through accident or damage caused by other than coastal processes, the building may be repaired or rebuilt so that:

- (a) the total floor area of the rebuilt or repaired building is no greater than the total floor area before the damage occurred;
- (b) the repairs or rebuilding have no detrimental effect on the ability of the building to be relocated in an emergency;
- (c) where possible, the building is relocated at the time of rebuilding or repair to a position on the site^(D) as far as possible from the erosion escarpment; and
- (d) the repairs or rebuilding are effected within 12 months of the date when the damage occurred.

J2.2 Element – Precinct 2 - Between The Immediate Impact Line^(D) And The 50 Year Erosion Line^(D)

Element Objective

To ensure the impact of coastal processes on potential development is minimised by ensuring any development is readily relocated as the erosion escarpment nears the development.

Performance Criteria

Development in Precinct 2 must be designed to be relocate or demolished, or to cease operation, should the erosion escarpment come within 50 metres.

Prescriptive measures

Development within this precinct will be granted on the understanding that any consent granted will be subject to the proviso that must the erosion escarpment come within 50 metres of any building then the development consent will cease.

If the development consent does cease then the owner of the land will be responsible for the removal of any or all buildings from the site^(D), or, where possible, to a location on the site^(D) further than 50 metres from the erosion escarpment. Prior to lodging an application with Council, the developer of the land must determine whether buildings are to be relocatable or demolished, should the consent cease.

Notwithstanding the above, all Class 1 residential buildings (dwelling-houses^(D)) must be relocatable. Extensions to existing dwellings^(D) may also be required to be demountable, taking into consideration the additional floor space proposed and the likely effect of the extension on the ability of the building to be relocated in an emergency.

The dwelling-house^(D) must be designed and constructed so that it can be easily removed from the site^(D) by road vehicle. The plans of the building must include an adequate description of the removal procedures.

The dwelling^(D) must be located so as to maximise as far as practicable the distance from the nearest point of the building to the seaward boundary of the site^(D).

Conditions of consent likely to apply to dwellings^(D) on land within Precinct 2 are as follows:

- a) **(Prior to issue of a Construction Certificate)** A certificate is to be provided from a practising structural engineer as to the adequacy of this building to be easily dismantled and readily removed from the site^(D) by road vehicle.
- b) **(Prior to issue of a Construction Certificate)** A restriction as to user must be placed on the title pursuant to the provisions of section 88E of the Conveyancing Act 1919, stating:

"The subject land and any improvements erected thereon must not be used for the purpose of (land use) in the event that the erosion escarpment, as defined by the Works and Services Director of the Council of the Shire of Byron from time to time, comes to within 50 metres of any buildings or any part thereof at any time erected on the said land."
- c) Subsequent to any approval being given for a relocatable dwelling^(D), no works must be carried out on the property which might hinder the ready relocation of the building. Such works might include the construction of walls, fences, screens, enclosures, brick veneering, landscaping or the fixing of joints or structural members by welding or other means.
- d) This development consent must cease if at any time the erosion escarpment, as defined by the Works and Services Director of the Council of the Shire of Byron, comes to within 50 metres of any building associated with this development. The owner of the land must then remove that building.

J2.3 Element – Precinct 3 - between the 50 Year and 100 Year Erosion Lines^(D)**Element Objective**

To ensure the impact of coastal processes on potential development is minimised by ensuring any development ceases as the erosion escarpment nears the development.

Performance Criteria

Development in Precinct 3 must be designed to be relocate or demolished, or to cease operation, should the erosion escarpment come within 50 metres.

Prescriptive measures

Development within this precinct will be considered on the understanding that any consent granted will be subject to the proviso that should the erosion escarpment come within 50 metres of any building then the development consent will cease.

If the development consent does cease then the owner of the land will be responsible for the removal of all buildings.

The option of demolition as the means of removal will be available to all buildings including Class 1 residential buildings.

Prior to the issue of a Construction Certificate a restriction as to user must be placed on the title pursuant to the provisions of section 88E of the Conveyancing Act 1919, stating:

“The subject land and any improvements erected thereon must not be used for the purpose of (land use) in the event that the erosion escarpment as defined by the Works and Services Director of the Council of the Shire of Byron from time to time comes to within 50 metres of any buildings or any part thereof at any time erected on the said land”.

J2.4 Element – Servicing**Element Objective**

To define the circumstances in which public utility services may be provided to development which is potentially threatened by coastal processes.

Performance Criteria

Vehicular access, water, sewerage, electricity, telephone and other services must be located so as to minimise the impact from the sea.

Prescriptive measures

All services must be provided from the landward side of the development such that the building is between the services and the erosion escarpment.

J2.5 Element – Beach Protection**Element Objective**

To ensure that works proposed by property owners to protect land from coastal processes will not have adverse effects on other land or on coastal processes.

Performance Criteria

Any work proposed by individual property owners to protect land from erosion must be designed to ensure that the work will not cause adverse impacts on other lands or on coastal processes.

Prescriptive measures

Any work carried out by individual property owners to protect land from erosion will require the consent of Council.

Council will consider consent for such works only where such works will have no adverse effect on any adjoining properties or on any coastal processes.

Rock, concrete and like hard materials must not be used for the construction of beach protection works.

J2.6 Element – Subdivision of Land

Element Objective

Restrict the intensity of development within locations adversely affected by coastal processes.

Performance Criteria

Development will not be considered where it would result in the creation of vacant land capable of being developed for residential purposes.

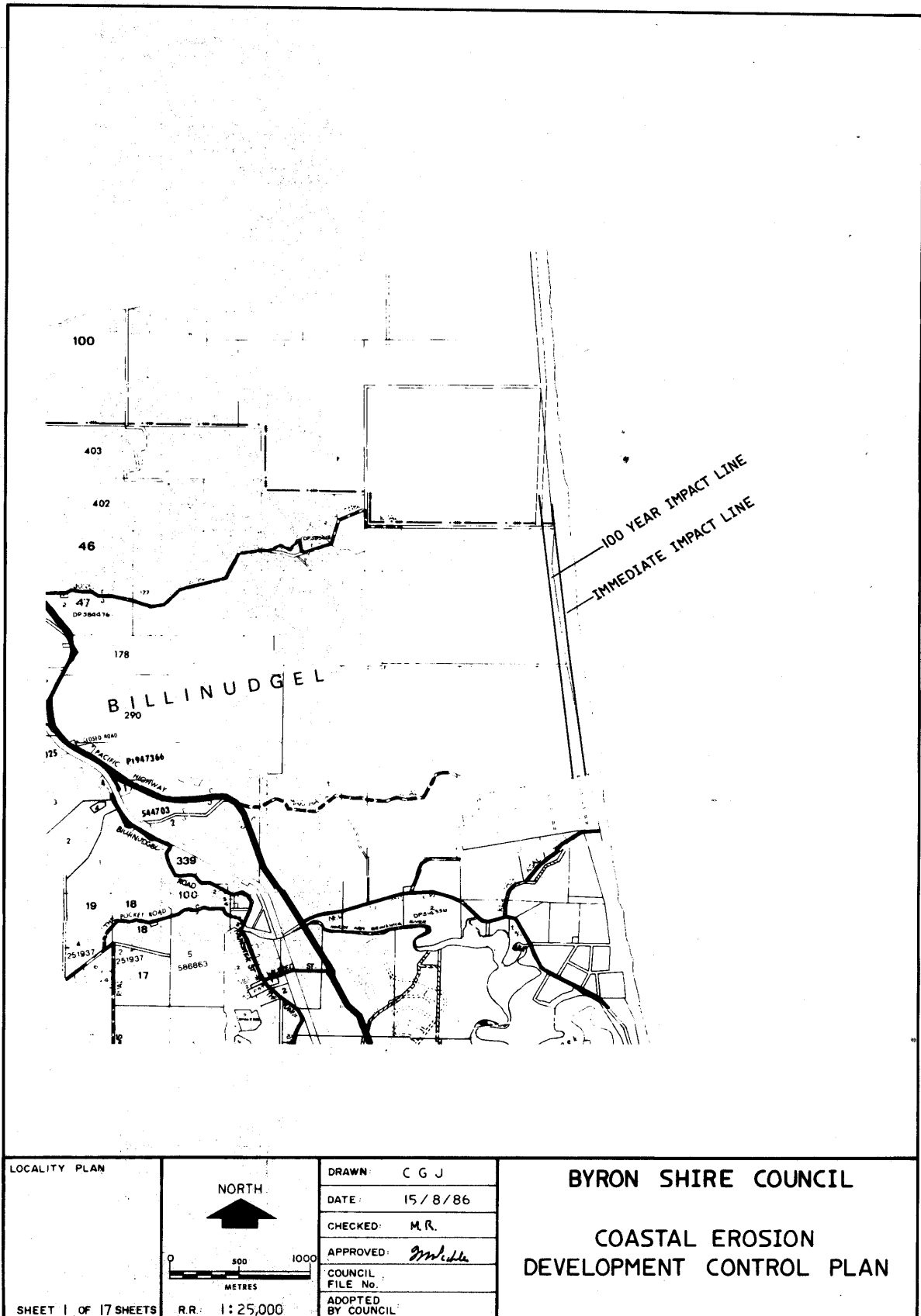
Prescriptive Measures

Council will not consent to the subdivision of land in Zone No 7 (f2)—(Urban Coastal Lands (f2) Zone) that is located within Precincts 1 and 2 other than:

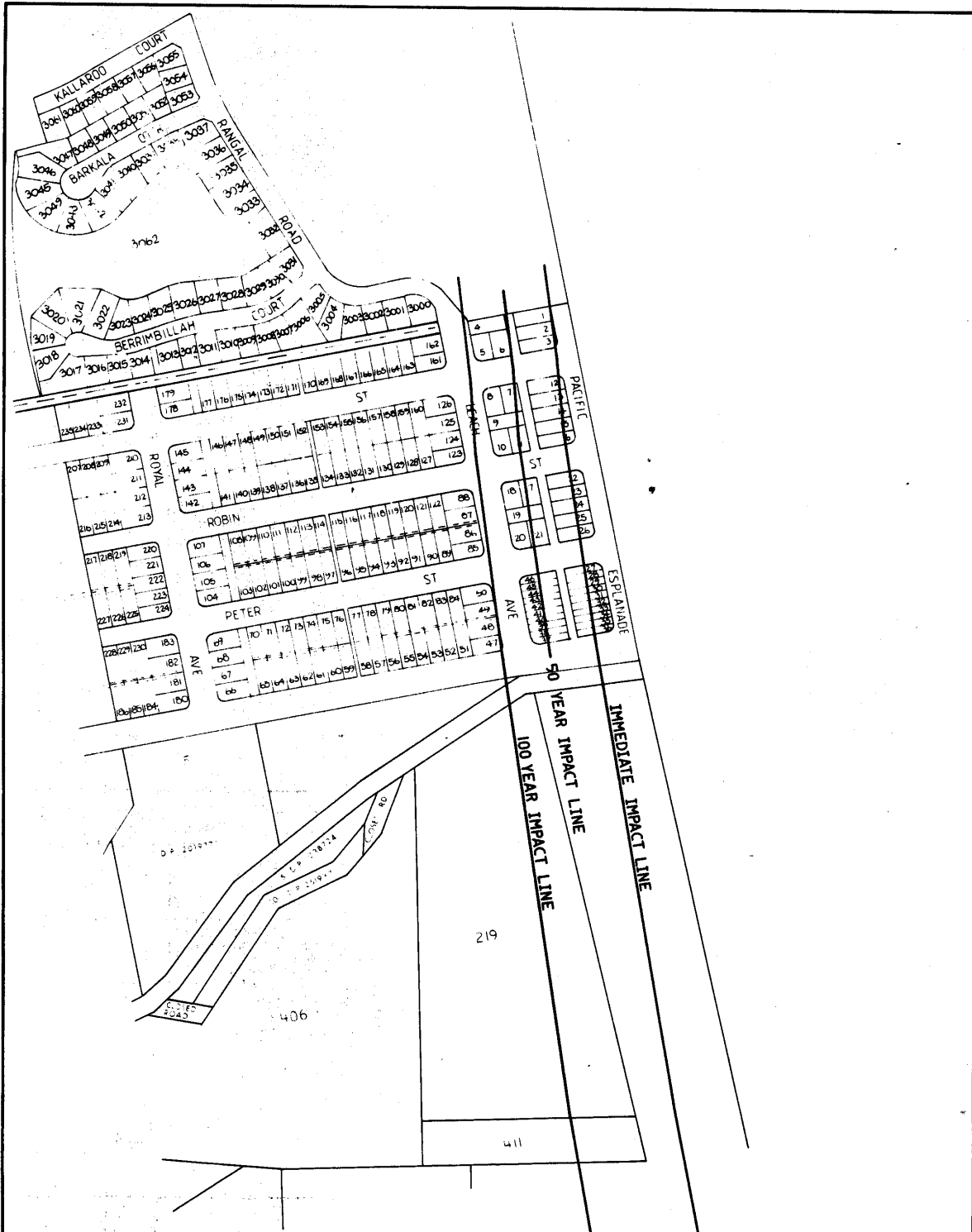
- (a) subdivision of an existing lawfully erected building (or buildings) under the *Strata Schemes Development Act 2015*, where no vacant lots result from the subdivision; or
- (b) a subdivision to excise an allotment that is, or that the Council is satisfied is intended to be, used for a public purpose; or
- (c) a subdivision that, in the opinion of the Council, is only a boundary adjustment where no additional lots are created.

Coastal Erosion Development Control Plans

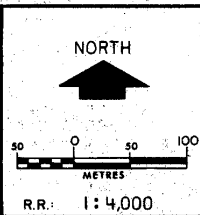
Map 1 of 17



Map 2 of 17



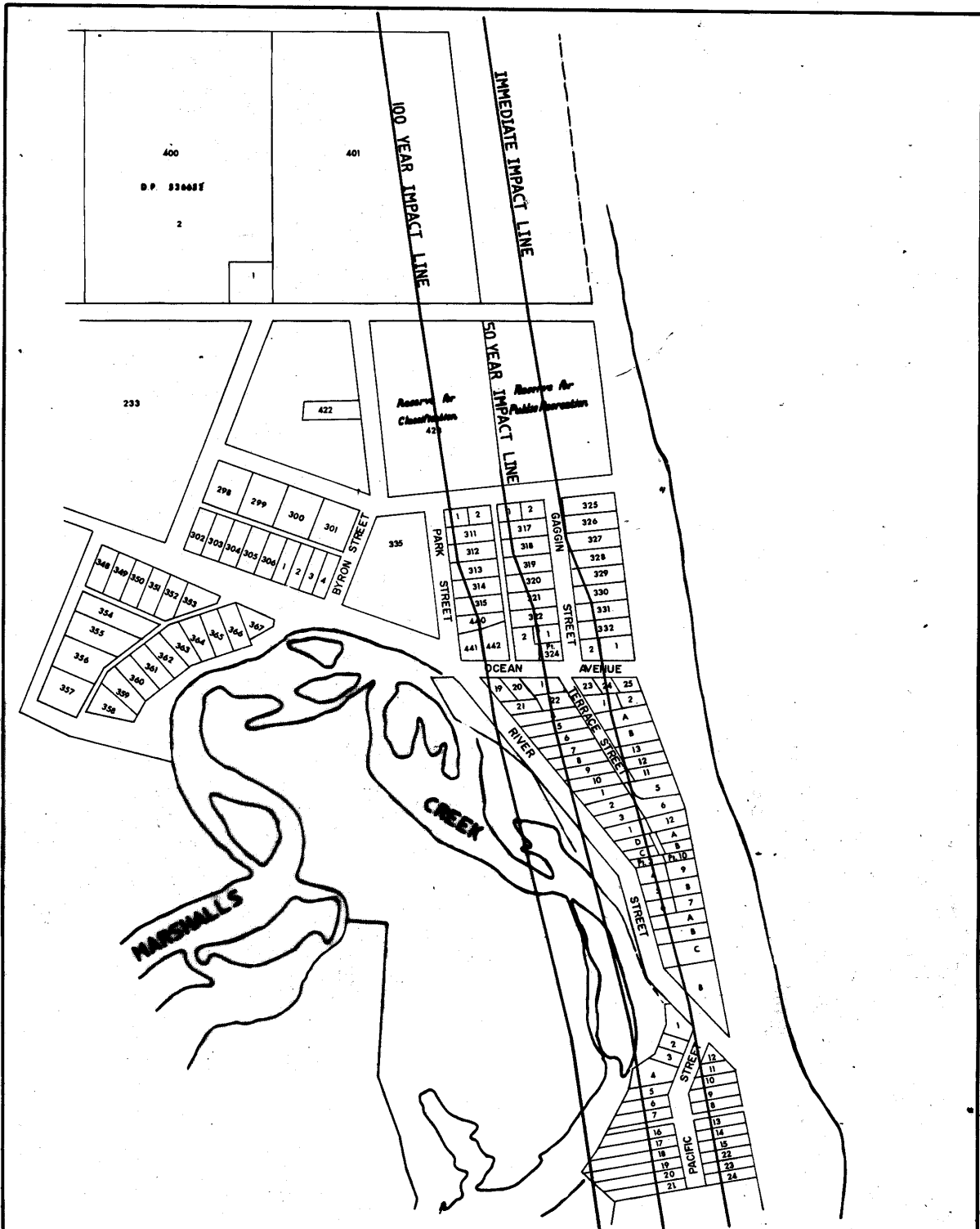
LOCALITY PLAN
SHEET 2 OF 17 SHEETS



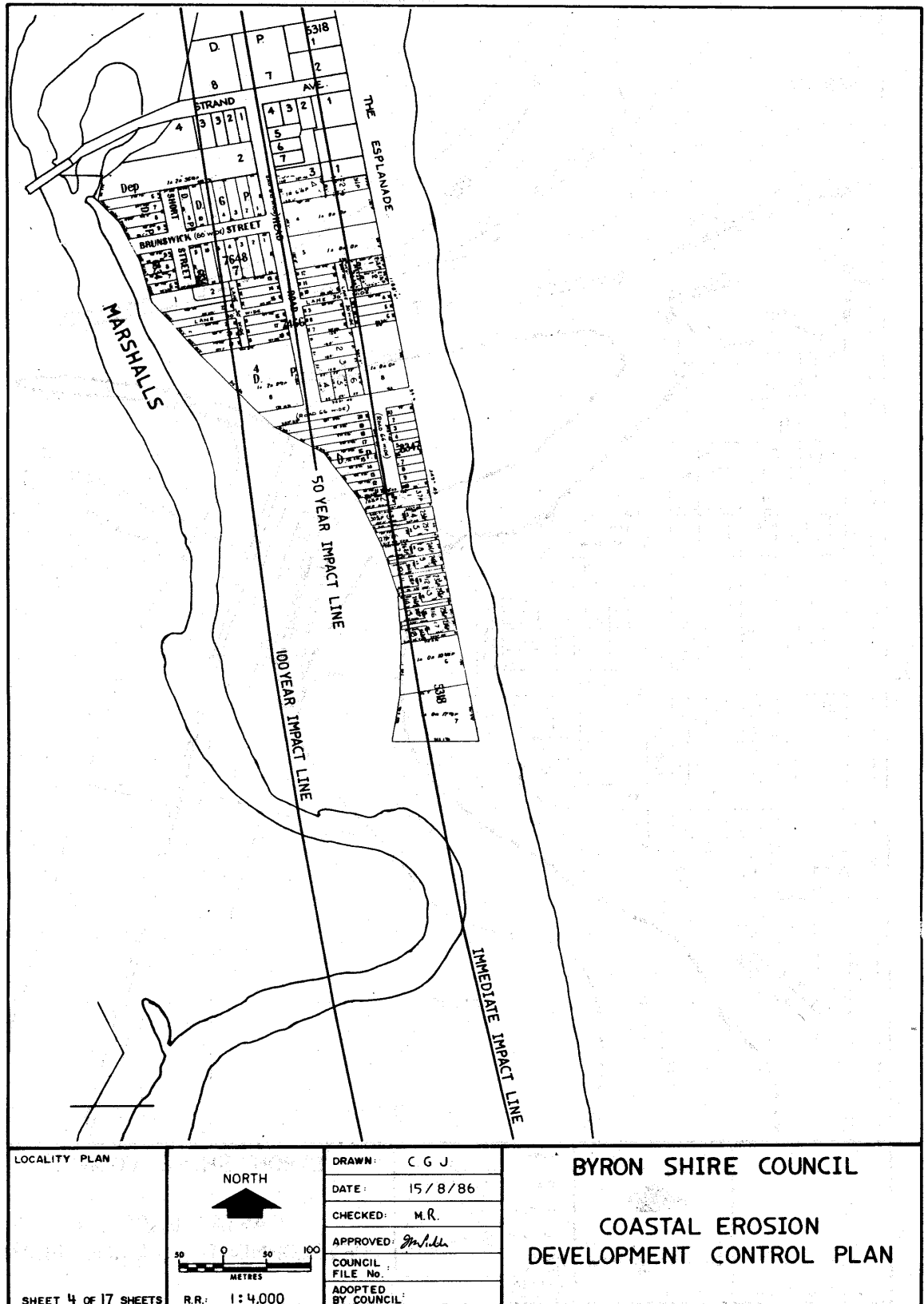
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ADOPTED BY COUNCIL

BYRON SHIRE COUNCIL
COASTAL EROSION DEVELOPMENT CONTROL PLAN

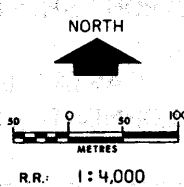
Map 3 of 17



LOCALITY PLAN	<p>NORTH</p> <p>0 50 100 METRES</p> <p>R.R.: 1:4,000</p>	<p>DRAWN: C.G.J.</p>	<p>BYRON SHIRE COUNCIL</p> <p>COASTAL EROSION DEVELOPMENT CONTROL PLAN</p>
		<p>DATE: 15/8/86</p> <p>CHECKED: M.R.</p> <p>APPROVED: <i>G. M. ...</i></p> <p>COUNCIL FILE No.:</p> <p>ADOPTED BY COUNCIL:</p>	
<p>SHEET 3 OF 17 SHEETS</p>			

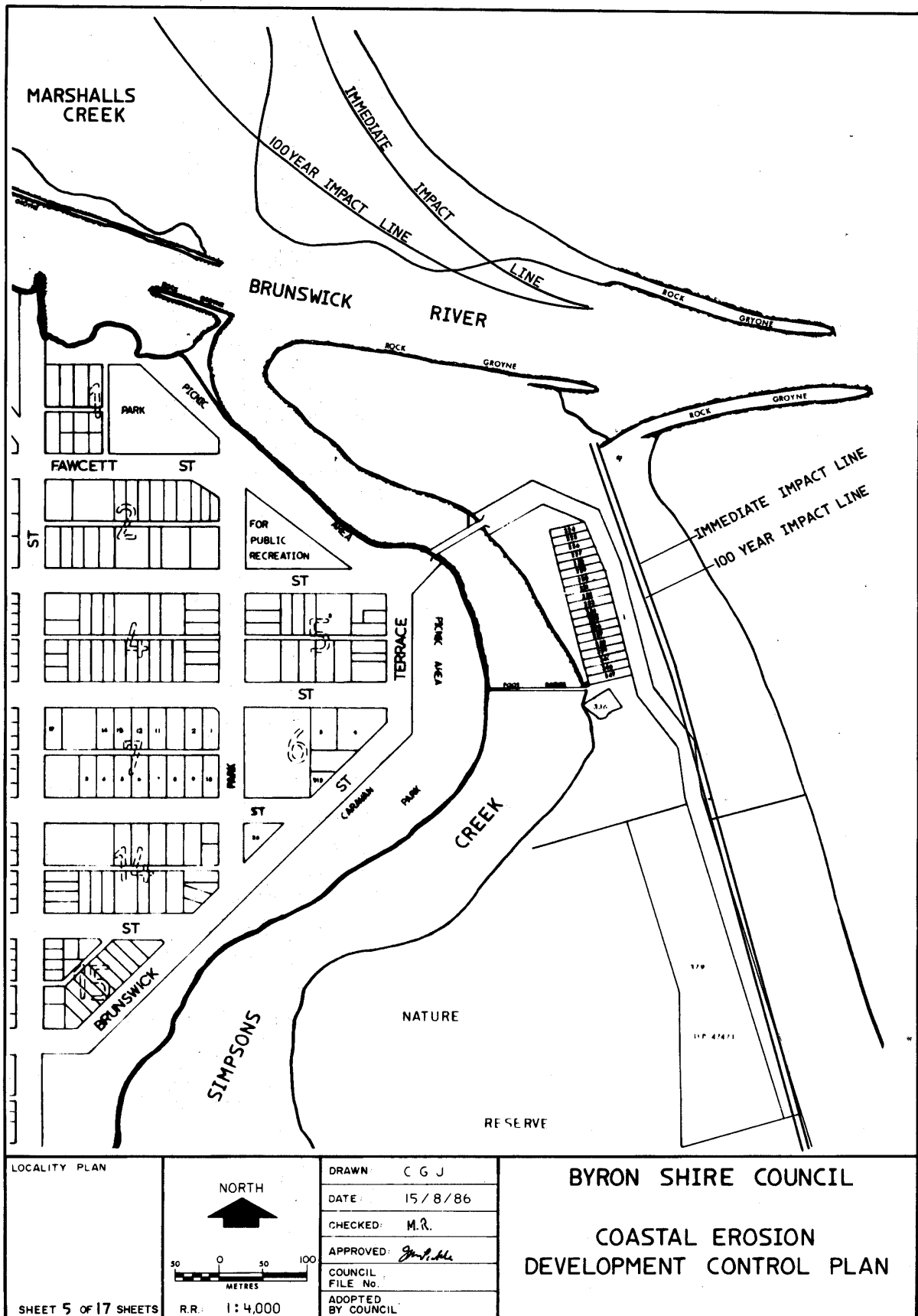


LOCALITY PLAN
SHEET 4 OF 17 SHEETS

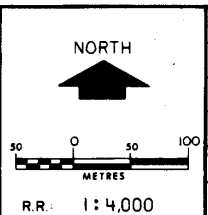


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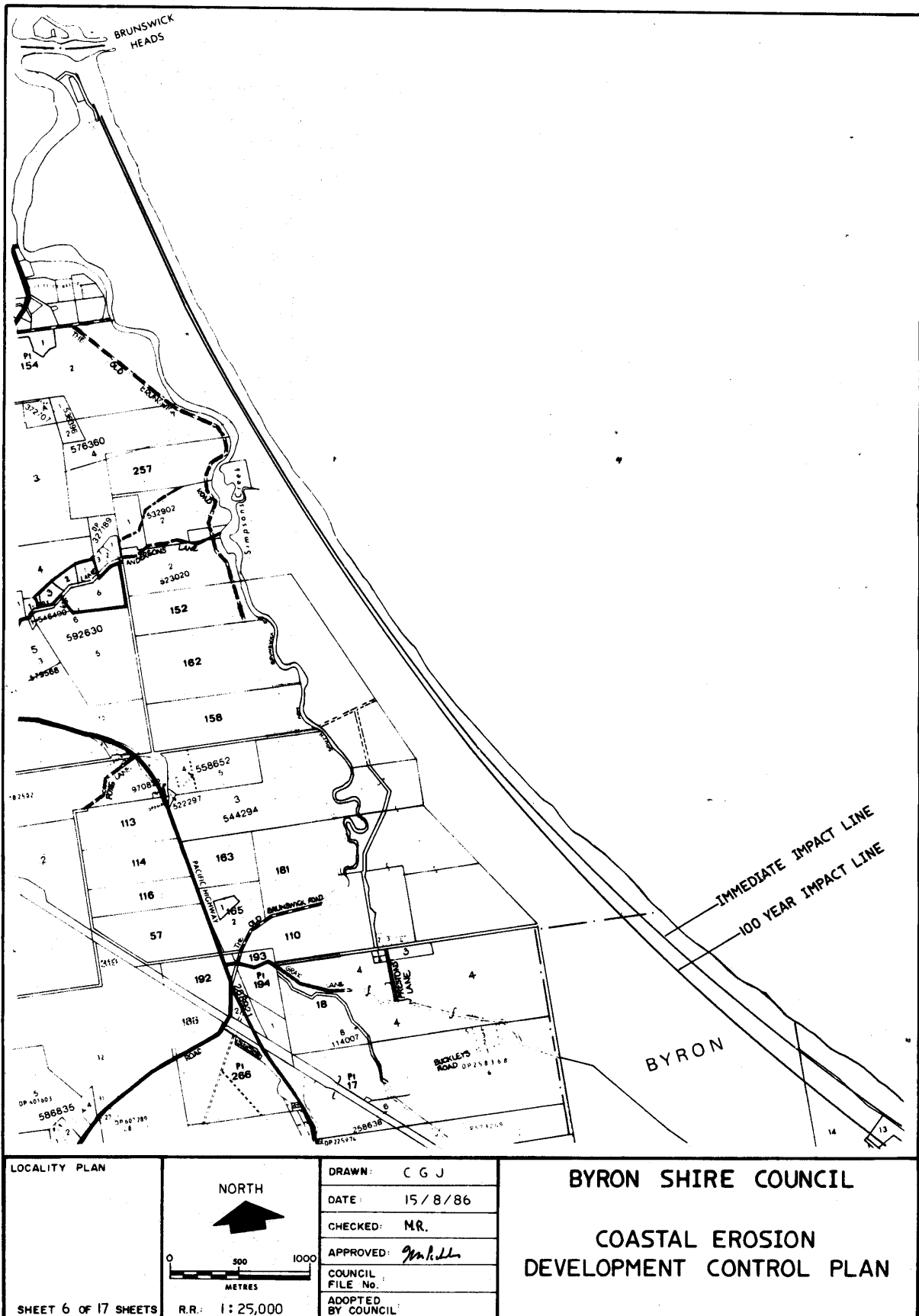


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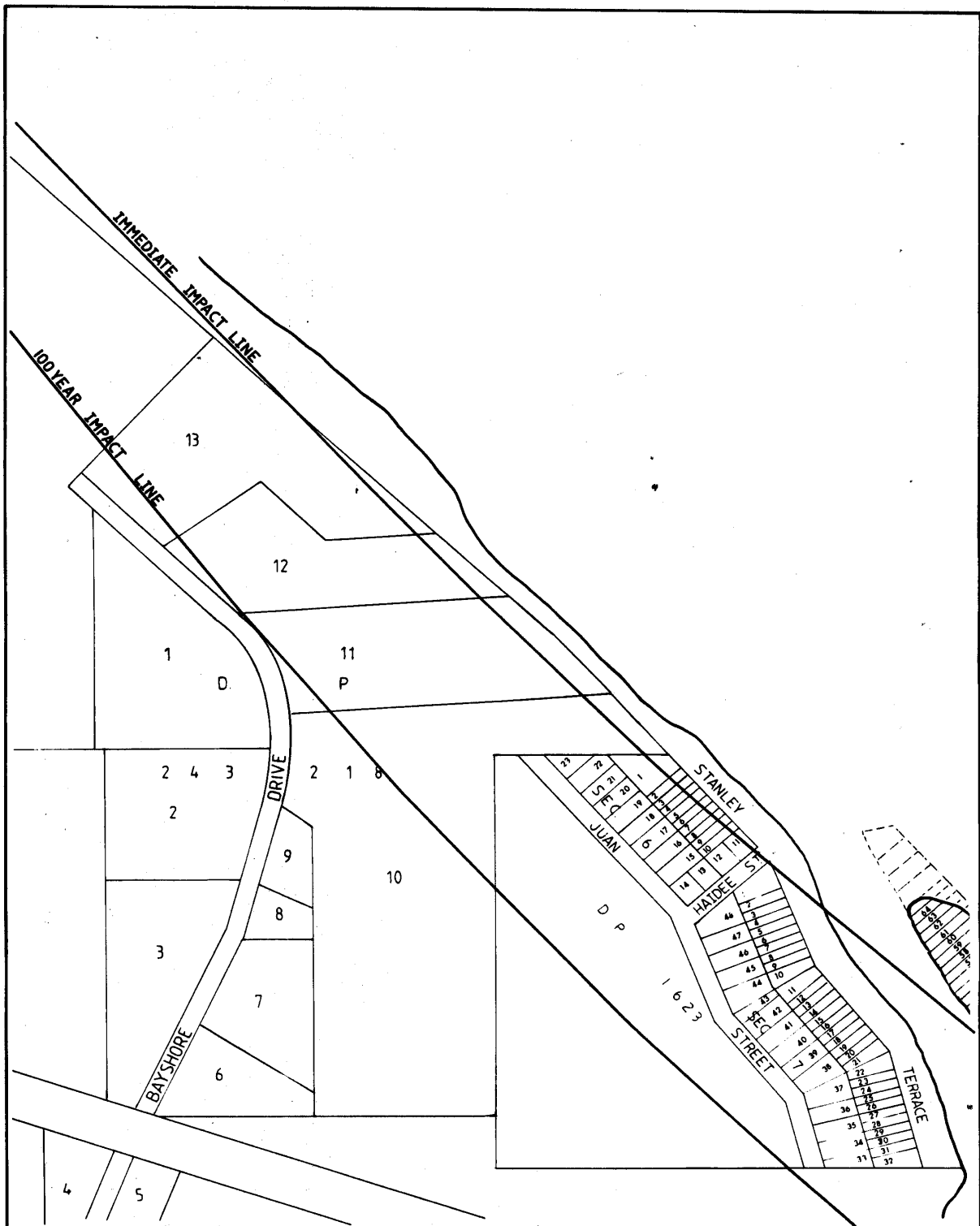


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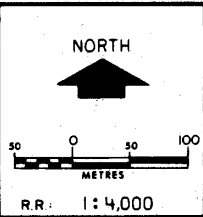
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COASTAL EROSION
DEVELOPMENT CONTROL PLAN

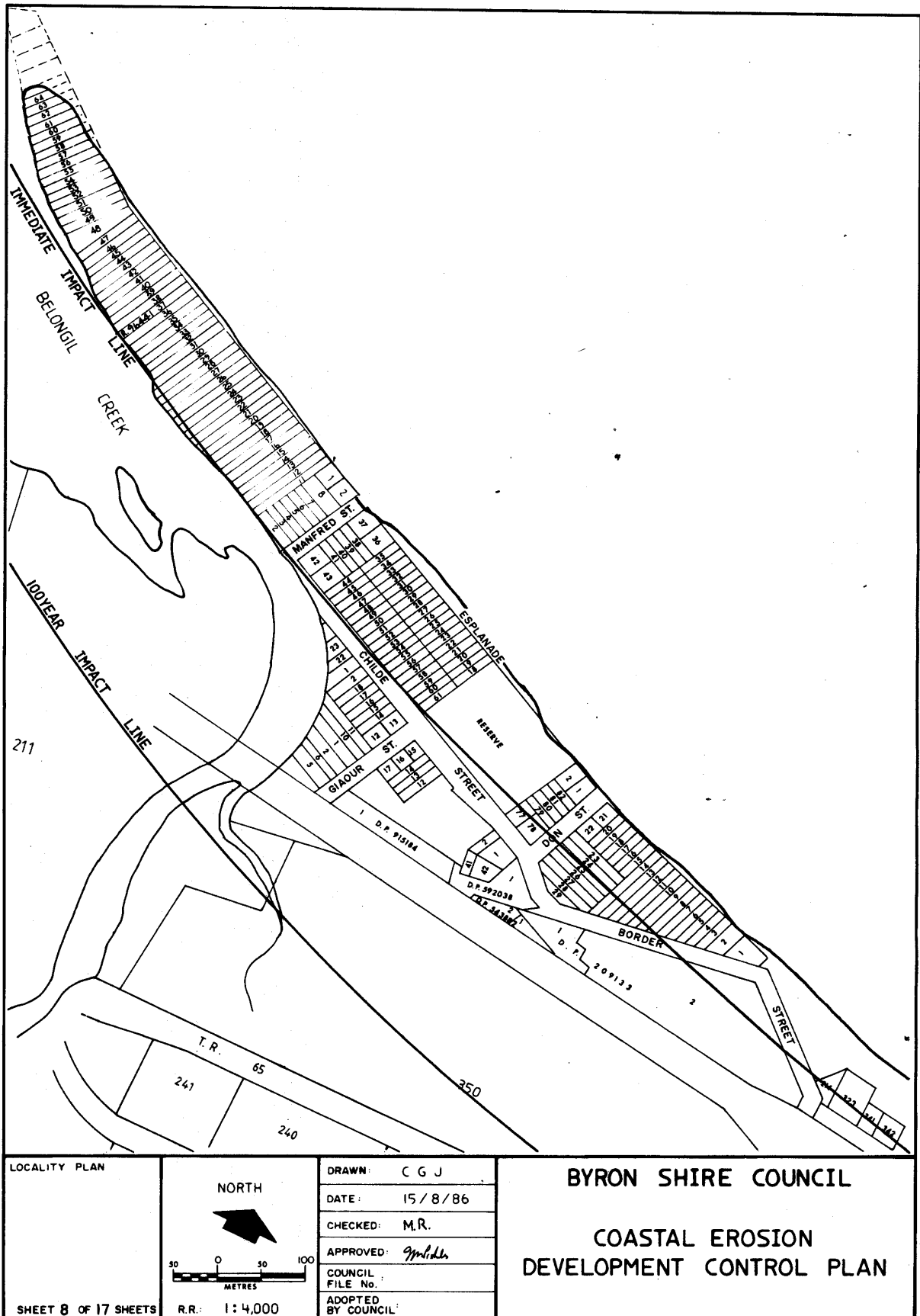


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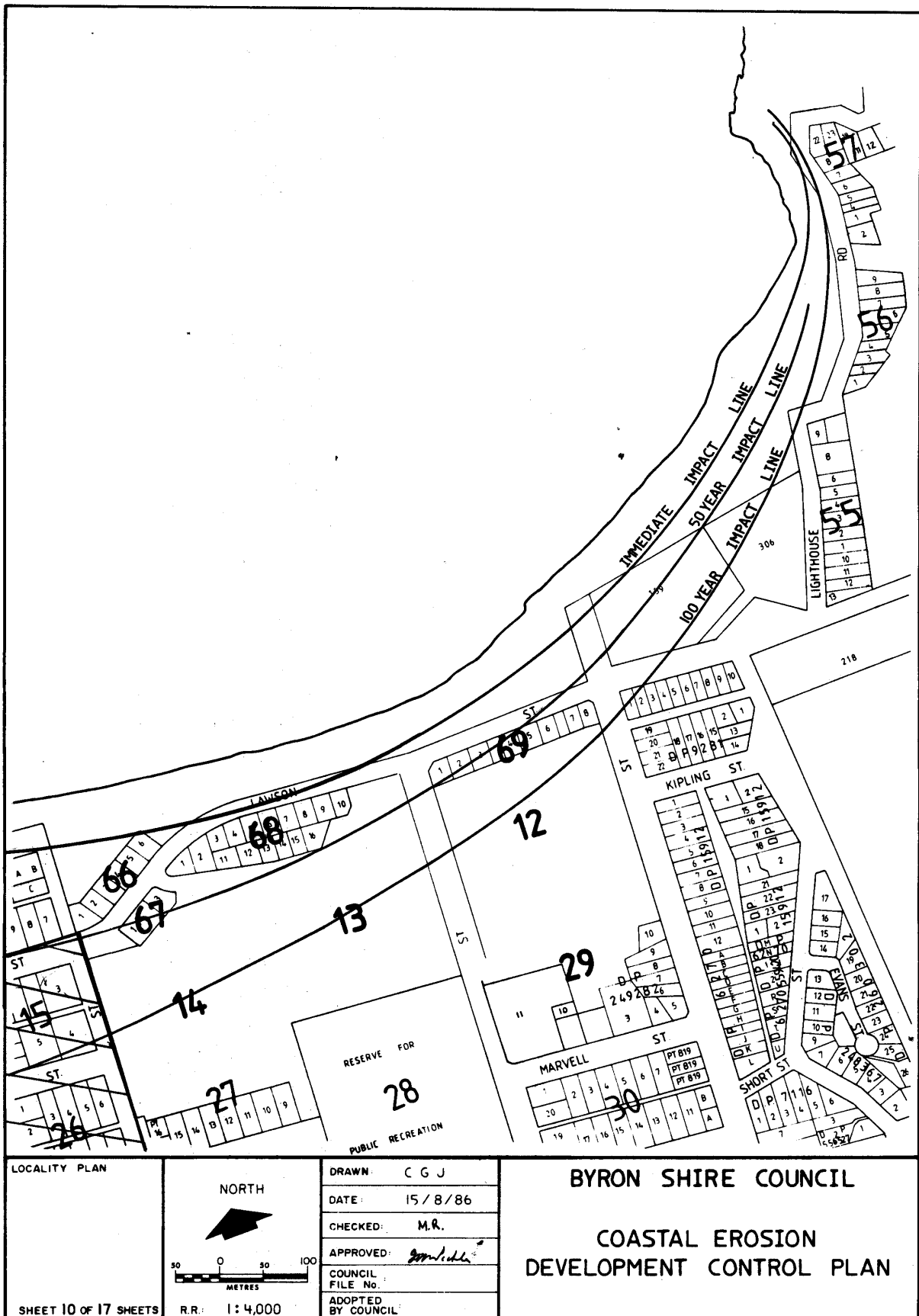


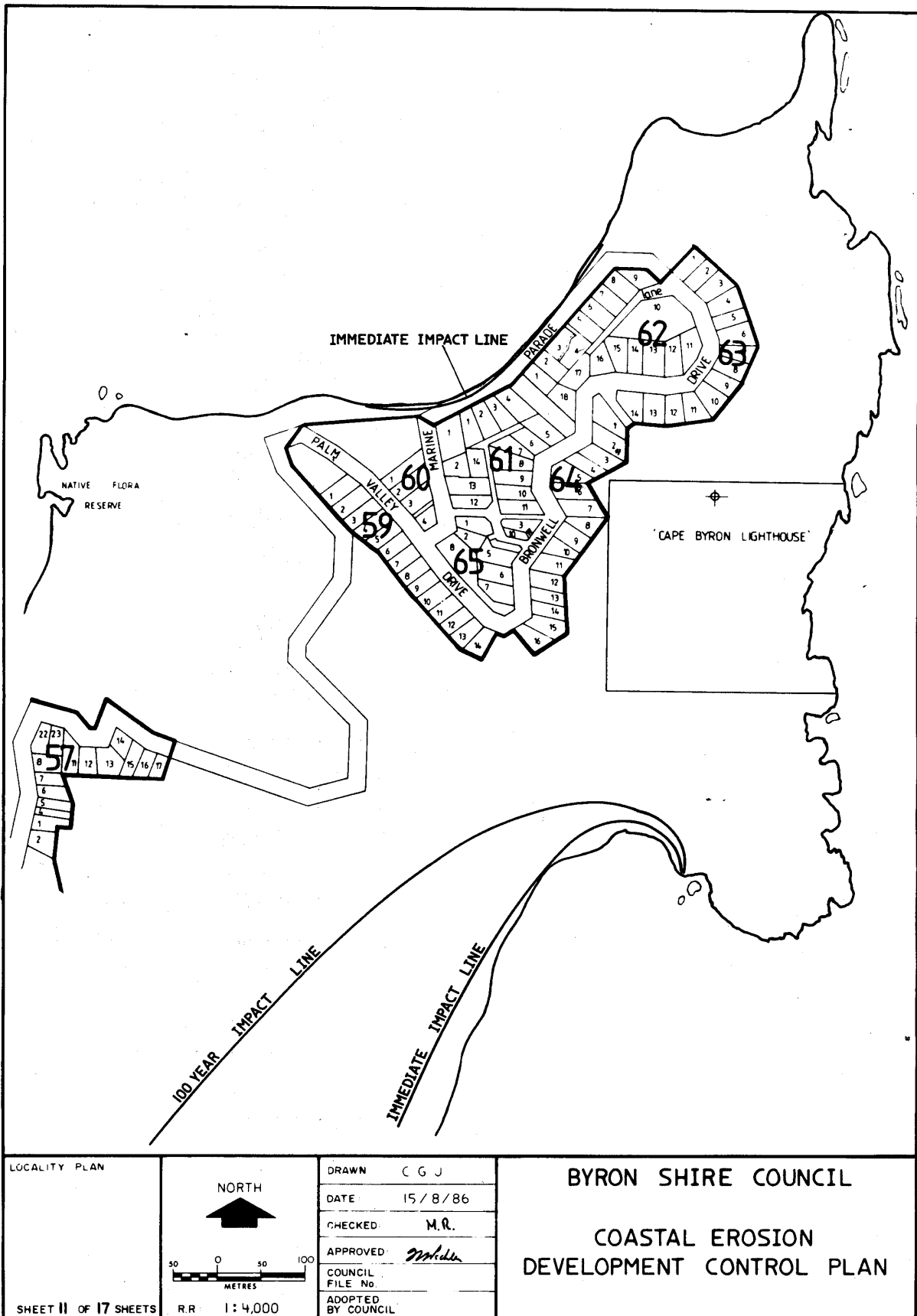
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COASTAL EROSION
DEVELOPMENT CONTROL PLAN

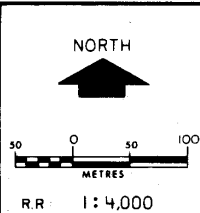






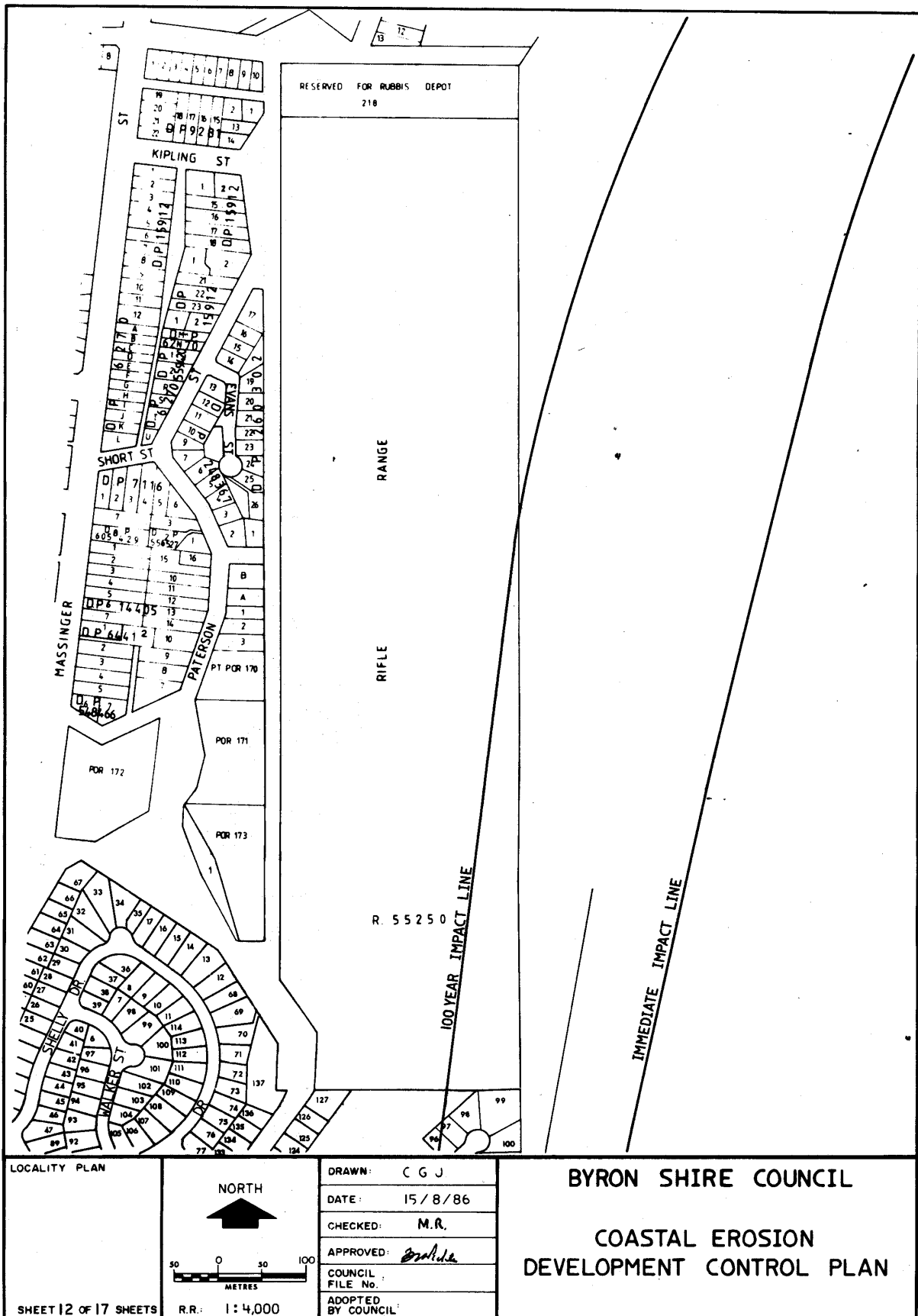


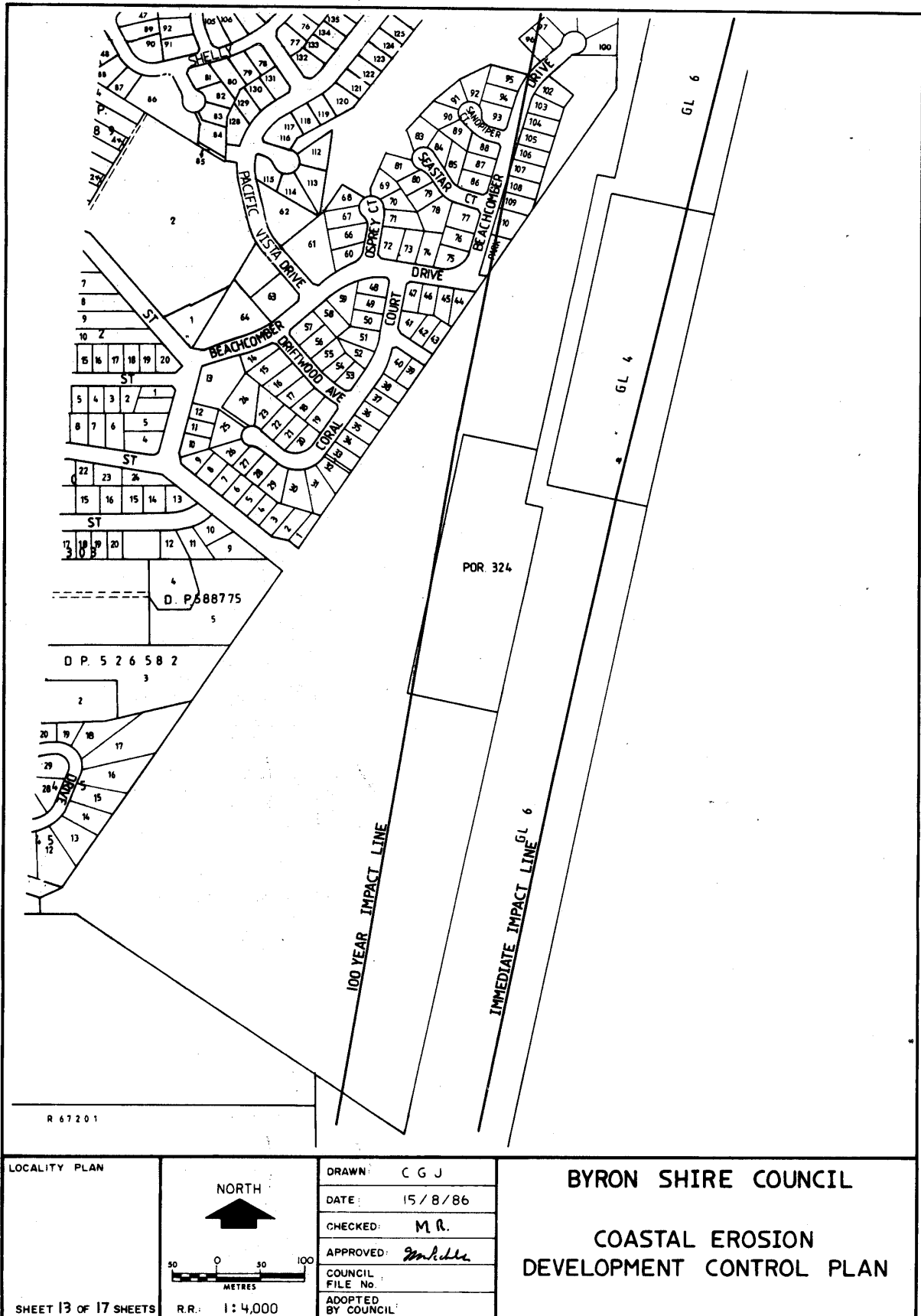
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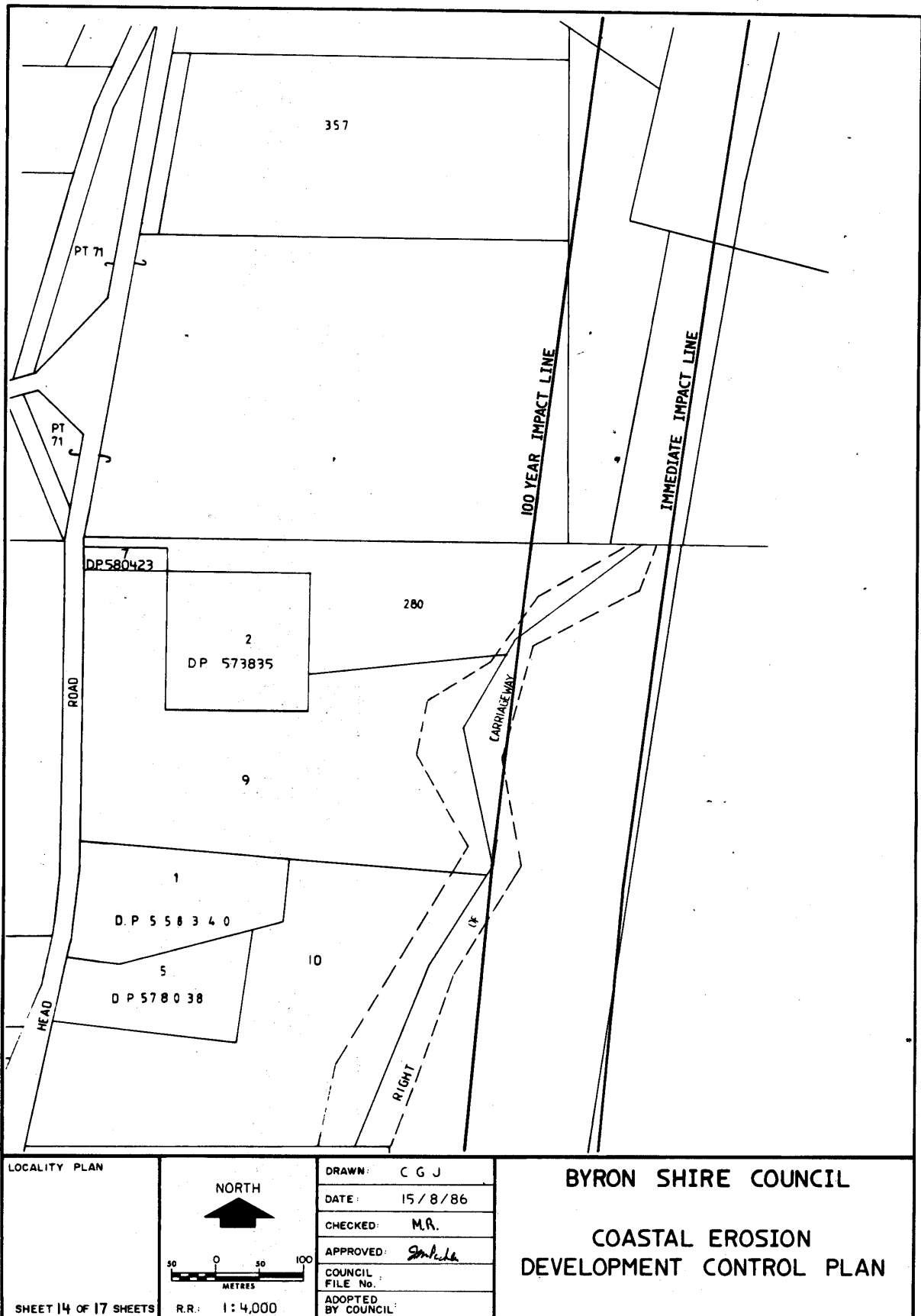


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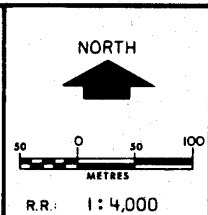
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DEVELOPMENT CONTROL PLAN





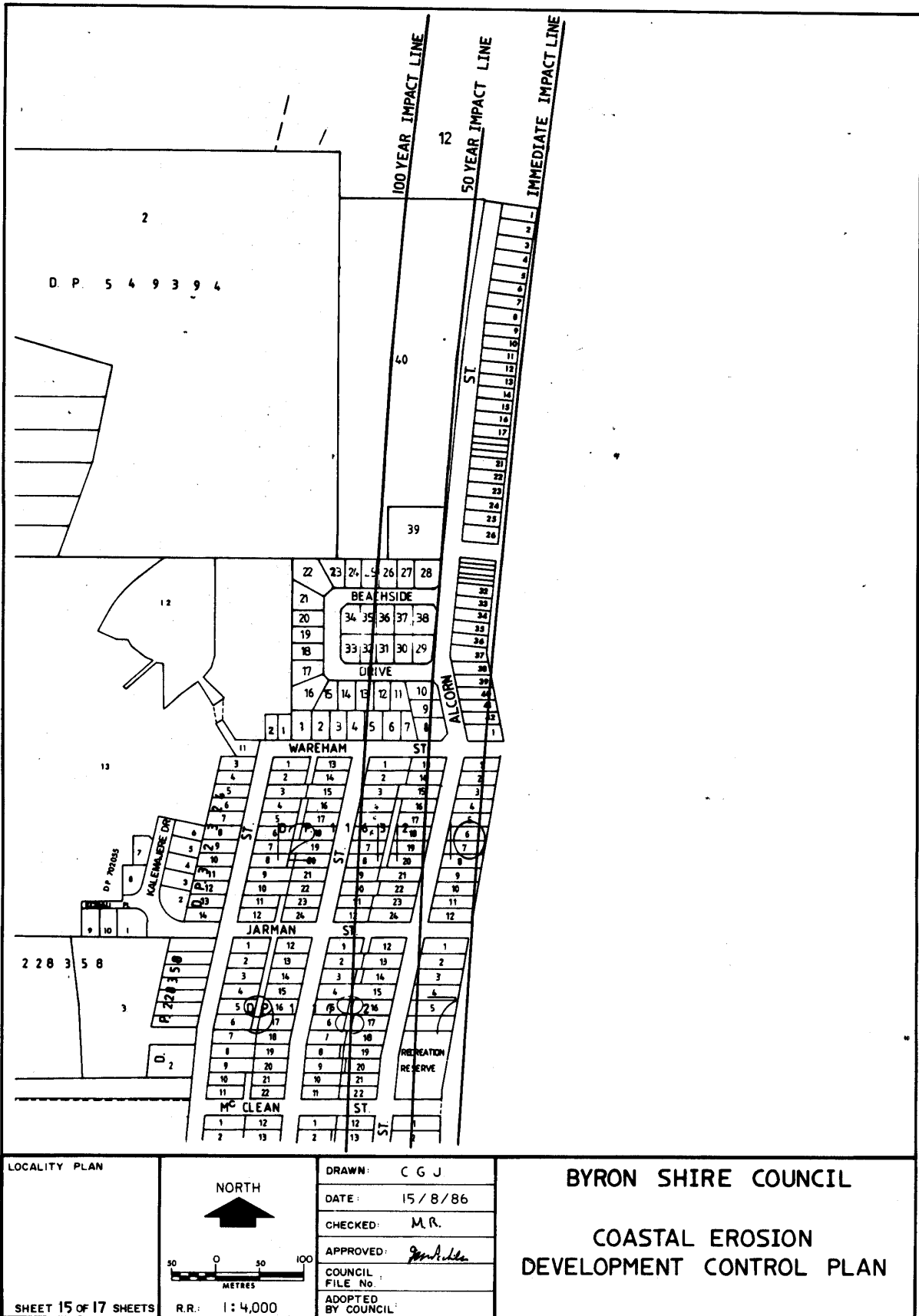


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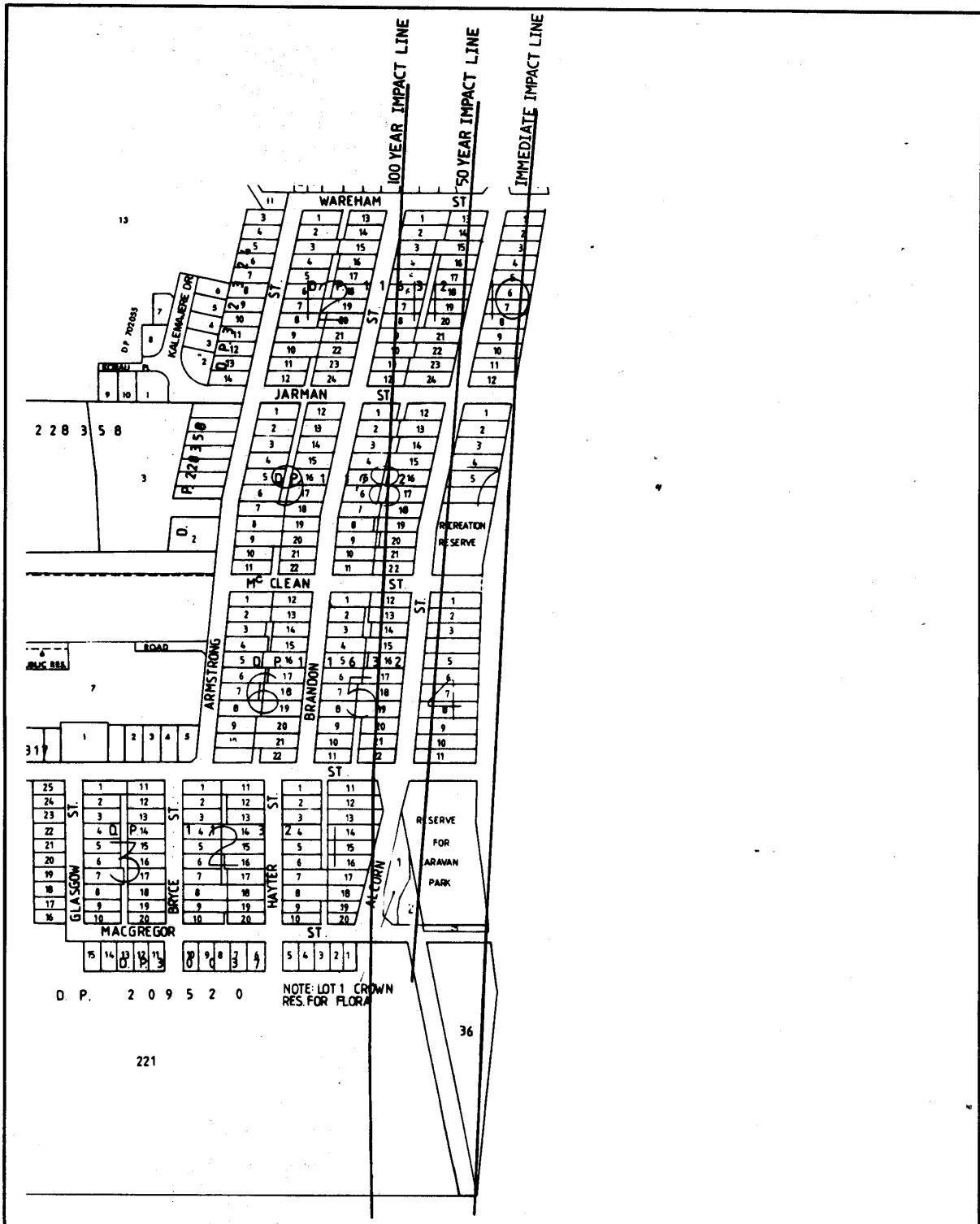



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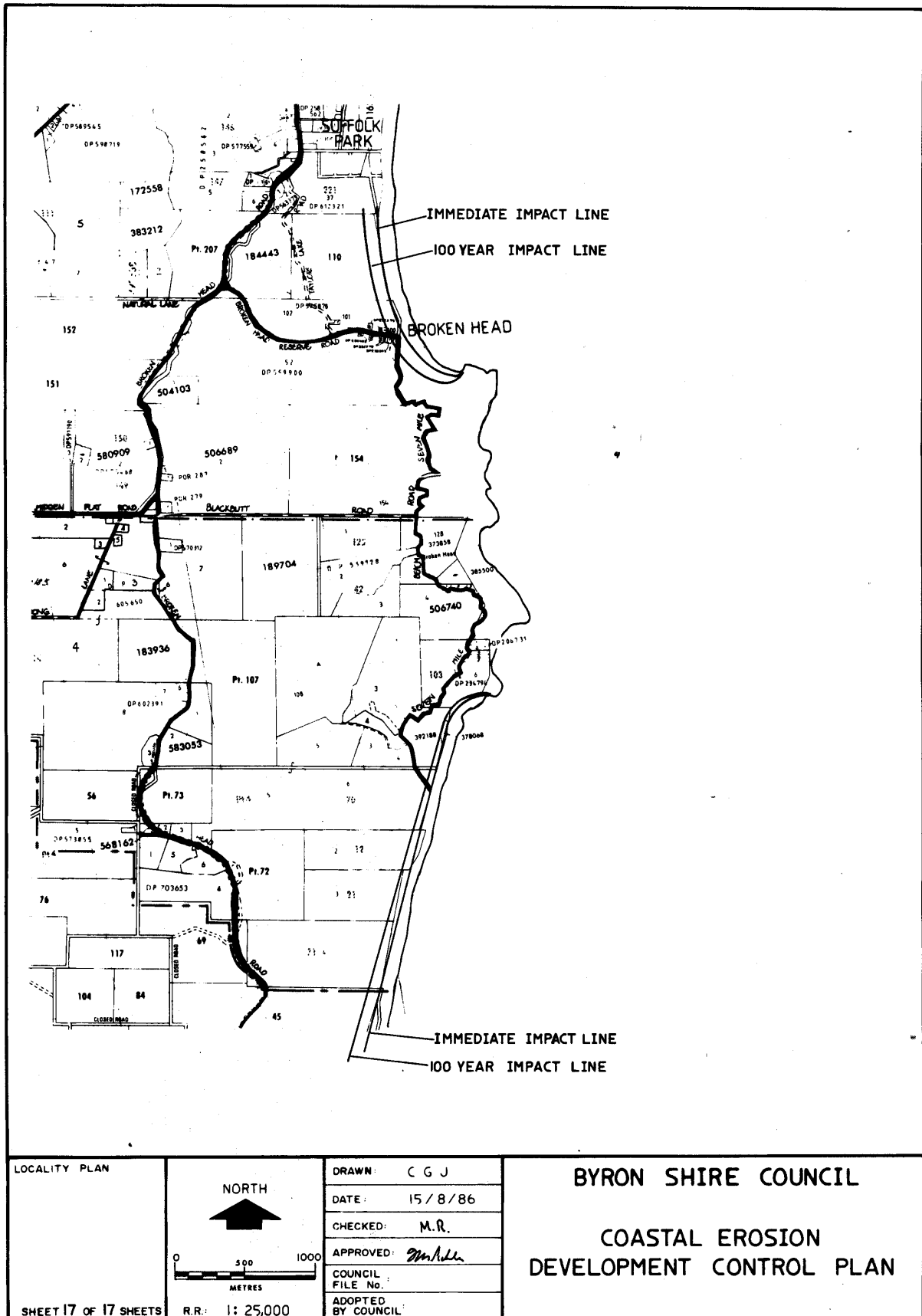
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COASTAL EROSION
DEVELOPMENT CONTROL PLAN



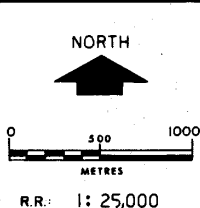
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BYRON SHIRE COUNCIL
COASTAL EROSION
DEVELOPMENT CONTROL PLAN

Chapter 1: Part K

Flood Liable Lands

Document History

Doc No.	Date Amended	Details Comments eg Resolution No.
#312313	14 November 2002	Res 02-946 Part K – Flood Evacuation Plan Amendment: No. 3
#312313	14 October 2010	Res 10-696 - to create Draft DCP 2010 for public exhibition
#1017162		Draft DCP 2010 Part K (public exhibition copy)
#1068736	14 March 2011	Adopted Res 11-169 - Format changes applied

PART K – FLOOD LIABLE LANDS

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<i>What are the Objectives of this part?</i>	<i>K3</i>
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Note: ^(D) = definition included in Chapter 1 Part A7 of this DCP

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K1. INTRODUCTION

What is the purpose of this Part?

Clause 24 of Byron Local Environmental Plan 1988 provides that the consent of Council is required for the erection of a building or carrying out of a work on flood liable land. Clause 24 specifies matters that Council must take into account when considering such an application. Copies of Clause 24 are available from Council's Division of Local Approvals and Compliance Services.

The NSW State Government's Flood Prone Land Policy is contained in the *Floodplain Management Manual: the management of flood liable land* published in January 2001. A copy of the Floodplain Management Manual is available for inspection at Council's Administrative Centre. The primary objective of the Flood Prone Land Policy is to reduce the impact of flooding and flood liability on individual owners and occupiers and to reduce private and public losses resulting from flooding.

The Manual requires that all development and building proposals are considered by Council, taking into account social, economic and ecological issues, as well as flooding considerations. In this way, floodplains should not be unnecessarily sterilised and development should not be unreasonably restricted by virtue of the land being liable to flooding.

The purpose of this Part is to;

- set out the adopted flood levels as referred to in the definition of *flood liable land* Byron Local Environmental Plan 1988,
- provide details provisions in regard to clause 24 of Byron Local Environmental Plan 1988 and
- set out Council's interim flood policy in terms of the *Floodplain Management Manual*

What are the Objectives of this part?

The Objectives of this Part of the DCP are:

- to reduce the impact of flooding and flood liability on individual owners and occupiers,
- to reduce private and public losses resulting from flooding,
- to ensure that all development and building proposals on flood liable lands are considered by Council, taking into account social, economic and ecological issues, as well as flooding considerations to ensure floodplains are not unnecessarily sterilised and development not unreasonably restricted by virtue of the land being liable to flooding, and
- to provide guidelines for determination of the merits of development on flood liable lands as required by section 79C(a)(iv) of the Environmental Planning and Assessment Act 1979.

Responsibilities for Floodplain Management

Individual members of the community, private business and developers should exercise some responsibility for exposing themselves and others to flood risks.

In addition all three levels of government share in responsibility for flood related issues in NSW.

The primary responsibility rests with Local Government which:

- develops land use planning instruments (Local Environmental Plans), and
- determines applications for development consent for those instruments.

The State Government role is to set policy and provide technical and financial assistance to local government. It also provides the framework for emergency management, response and recovery.

The Federal Government role is primarily to provide financial assistance, both to provide emergency relief during and after natural disasters and to implement floodplain management measures.

Council can be held liable under Section 733 of the Local Government Act for personal and property damages as a result of approving development on flood liable land or giving advice with regard to flooding matters unless it does so in accordance with the Floodplain Management Manual. The Manual requires Council to prepare:

1. Flood Study – The following studies have been prepared;

Study	Date
Marshalls Creek Floodplain Management Plan	Adopted Nov 25, 1997
Marshalls Creek Floodplain Management Plan	Dated Nov 25, 1997 (Report)
Marshalls Creek Flood Study	Dated Nov 1986
Brunswick River Floodplain Management	Dated Nov 1989 Investigation
Brunswick River - Mullumbimby	<i>Draft</i> Dated Nov 1993 Floodplain Management Plan
Brunswick River Tidal Dynamics	Dated April 1990
Brunswick Valley Floodplain Management Study	Dated April 1987
Brunswick River Flood Study	Dated Nov 1986
Belongil Creek Floodplain Management Investigations	Dated Feb 1987
Belongil Creek Flood Study	Dated Feb 1986
Mullumbimby Floodplain Management Study	Dated Dec 1989
Proposed Levees Around South Golden Beach	Dated Dec 1989

2. Floodplain Risk Management Study

3. Floodplain Risk Management Plan – Below is an Interim Floodplain Risk Management Plan. This Interim plan applies to the whole Shire other than to that area cover by the Marshalls Creek Floodplain Management Plan.

What information will I need with my application on Flood Liable Lands?

As a minimum, you will need to establish in relation to the land on which you are proposing development:

- the level of the 1% AEP flood
- the velocity of the flood waters at the 1% AEP flood level
- the level of the land
- the floor level of any existing buildings
- impact on the floodplain and surrounding development

Council has information on the levels of the 1% AEP flood contained in the above Flood Studies. Council also has a survey of the floor level of many of the existing residential and commercial buildings liable to flooding and corresponding ground levels for the lower reaches of the Brunswick River and Marshalls Creek. In other cases, it will be necessary for you to employ a surveyor and/or consulting engineer to determine the details specified above.

Once these levels have been established and the flood hazard category determined, the following details need to be prepared and submitted with your application:

A detailed report, satisfactorily demonstrating that the development will not increase the flood hazard or flood damage to other properties or adversely affect flood behaviour (generally not required for low hazard flood fringe).

A detailed report to demonstrate that the proposed development will not unnecessarily reduce flood storage in the flood plain (not required for low hazard flood fringe).

A detailed engineer's report on the structural characteristics of the proposed building or work and its ability to withstand the force of flowing flood waters, including buoyancy forces and impact by debris (not required for low hazard flood fringe and low hazard flood storage).

An adequate flood evacuation/contingency plan to show that the proposed development does not involve any risk to life, human safety, property or the environment in time of flood. Measures must be permanent, fail-safe and maintenance free to ensure timely, orderly and safe evacuation in time of flood. The SES may be able to provide some assistance in this area. A typical flood contingency / evacuation plan and advisory notes are attached for reference

In most cases you will need to employ an appropriately qualified, competent and experienced consultant to prepare the information to submit with your application.

K2. DEVELOPMENT STANDARDS

K2.1 Element - Flood Standard

Element Objective

To provide a consist level of risk, for development on flood liable lands, throughout the Shire

Performance Criteria

Any development must not be unduly effected by the 1% Annual Exceedance Probability (AEP) flood.

Prescriptive measures

The flood standard is the size of flood selected for planning purposes (this standard applies throughout the Shire). For the purposes of this policy, Council's flood standard is the 1% Annual Exceedance Probability (AEP) flood. This flood event is commonly described as a 1 in 100 year flood. It is more properly described as a percentage since there is a one percent chance that a flood of that magnitude may occur in any particular year.

The 1% AEP flood is not the largest flood which is likely to occur. Development which is above the 1% AEP level may be affected by larger floods up to the Probable Maximum Flood (PMF)^(D). Council does not have any flood related development controls in regard to flooding for development, which would be affected by flood events larger than the 1% AEP flood.

K2.2 Element – Development Criteria

Element Objective

To ensure that all development and building proposals on flood liable lands are considered by Council, taking into account social, economic and ecological issues, as well as flooding considerations to ensure floodplains are not unnecessarily sterilised and development not unreasonably restricted by virtue of the land being liable to flooding.

Performance Criteria

- Development must not restrict the flow characteristics of flood waters;
- Development must not increase the level of flooding on other land in the vicinity;
- The structural characteristics of any proposed building or work must be capable of withstanding flooding.
- Any building must be adequately flood proofed.
- Satisfactory arrangements must be made for access to any building or work during a flood.

Prescriptive measures

For the purposes of assessing proposed development under this policy, Council has adopted the six flood hazard categories contained in the Floodplain Management Manual. Figures from the Manual assist in determining the hazard categories and are reproduced below.

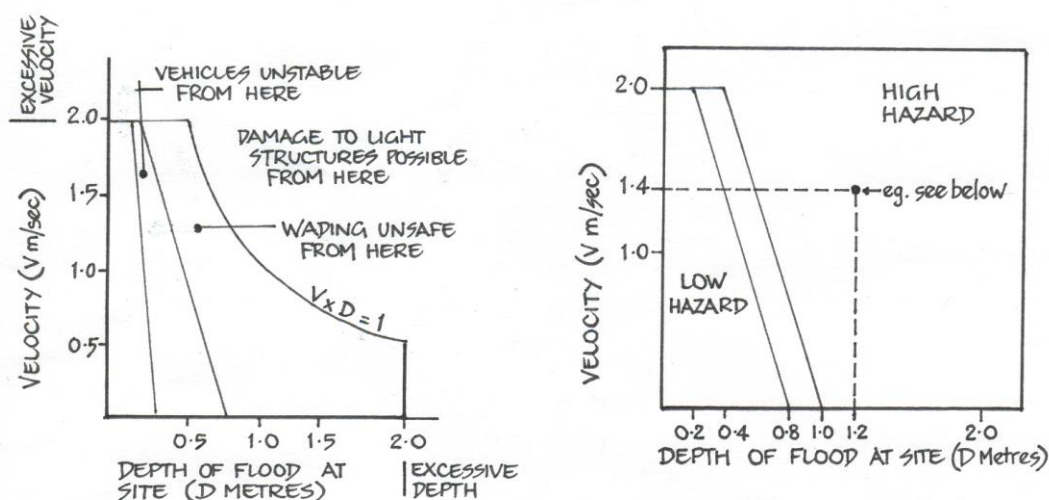
General Requirements

The use or storage of toxic or potentially polluting goods, materials or other products which, in the opinion of Council, may be hazardous or pollute flood waters will not be permitted on flood liable land below the flood planning level^(D). Any proposal, which involves the use or storage of such material, must be accompanied by an Emergency Management Plan that provides for the 1% AEP flood. Depending on the nature of the materials and the details of the proposal, the plan may also need to address contingencies for the Probable Maximum Flood^(D).

Materials to be used for construction below the flood planning level^(D) must be flood compatible materials in accordance with Appendix F of the previous Floodplain Development Manual published in December 1981.

Council will not consent to any development on flood liable land if there is sufficient area on that land above the 1% AEP flood level on which to carry out the development. Where the land is below the flood standard any buildings must be proposed to be constructed at or the above the flood planning level^(D). Council will not support filling beneath the building footprint of the proposed development unless it can be demonstrated it will not impact on the floodplain. Filling outside this area will not be permitted.

Where extensive additions are proposed to light weight buildings (eg timber, fibro) Council may require the whole building to be raised to the flood planning level^(D).



Notes

1. At velocities in excess of 2.0 m/s, the stability of foundations and poles can be affected by scour. Also, grass and earth surfaces begin to scour and can become rough and unstable.
2. The velocity of floodwaters passing between buildings can produce a hazard, which may not be apparent if only the average velocity is considered. For instance, the velocity of floodwaters in a model test has risen from an average of 1 m/sec to 3 m/sec between houses.
3. Vehicle instability is initially by buoyancy.
4. At floodwater depths in excess of 2.0 metres and even at lower velocities, there can be damage to light-framed buildings from water pressure, flotation and debris impact.
5. Derived from laboratory testing and flood conditions which caused damage.

Note

The degree of hazard may be either –

- Reduced by establishment of an effective flood evacuation procedure.
- Increased if evacuation difficulties exist.

In the transitions zone between Low Hazard and High Hazard, the degree of hazard is dependent on site^(D) conditions and the nature of the proposed development.

EXAMPLE

If the depth of floodwater is 1.2m

And the velocity of floodwater is 1.4m

Then the provisional flood hazard is high.

Flood Assessment of Development

TYPE OF DEVELOPMENT	FLOOD HAZARD CATEGORIES					
	LOW HAZARD FLOOD FRINGE	LOW HAZARD FLOOD STORAGE	LOW HAZARD FLOOD WAY	HIGH HAZARD FLOOD FRINGE	HIGH HAZARD FLOOD STORAGE	HIGH HAZARD FLOOD WAY
New dwellings ^(D) : Zone No. 2(a) (Residential Zone) Zone No. 2(t) (Tourist Area Zone) Zone No. 2(v) (Village Area Zone) Zone No. 7(f2)-(Urban Coastal Lands (f2) Zone)	Consider on its merits – special requirements: Floor level of all buildings to be at or above the flood planning level ^(D)					
New dwellings ^(D) : All other zones	Consider on its merits – special requirements: Floor level of all buildings to be at or above the flood planning level ^(D)				Inappropriate Development ^(D)	
Dwelling additions: Zone No. 2(a) (Residential Zone) Zone No. 2(t) (Tourist Area Zone) Zone No. 2(v) (Village Area Zone) Zone No. 7(f2)-(Urban Coastal Lands (f2) Zone)	Consider on its merits – special requirements: Additional habitable rooms ^(D) to be at or above the flood planning level ^(D) Minor additions to existing rooms at existing floor level					
Dwelling additions: All other zones	Consider on its merits – special requirements: Additional habitable rooms ^(D) to be at or above the flood planning level ^(D) Minor additions to existing rooms at existing floor level				Inappropriate Development ^(D)	
Multiple residential development including dual occupancy ^(D) , residential flats, tourist accommodation, caravan parks ^(D)	Inappropriate Development ^(D)					
New commercial development	Consider on its merits - special requirements: Floor level of all buildings to be at or above the flood planning level ^(D)			Inappropriate Development ^(D)		
Additions to commercial buildings	Consider on its merits – special requirements: Floor level of all buildings to be at or above the flood planning level ^(D)				Inappropriate Development ^(D)	
Industrial development and rural sheds	Consider on its merits – special requirements: Floor level of offices to be at or above the flood planning level ^(D) Adequate storage space to be at or above flood planning level ^(D)					
Other development not involving buildings	Consider on its merits					

Flood Evacuation Plan

(to be laminated in clear plastic and displayed in a prominent location within the development)

Date -

Address of Development -

.....

1 Flood Characteristics
(refer to note 1)

2 Flood Warnings
(refer to note 2)

3 Preparations
(refer to note 3)

4 Evacuation
(refer to note 4)

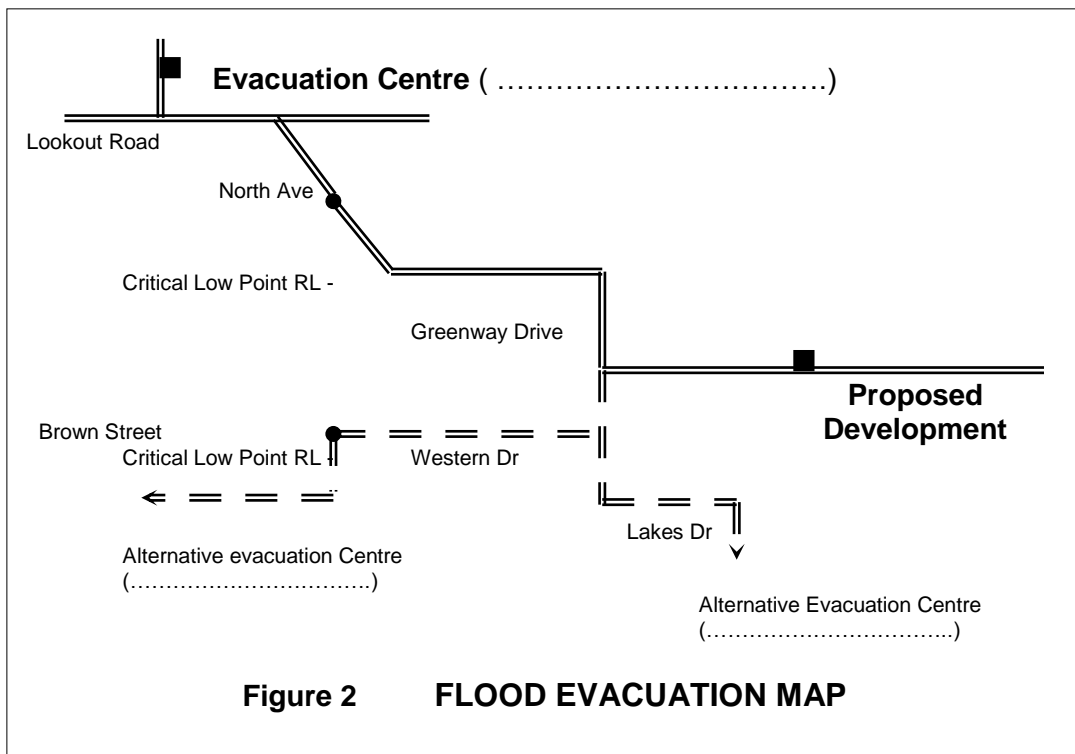
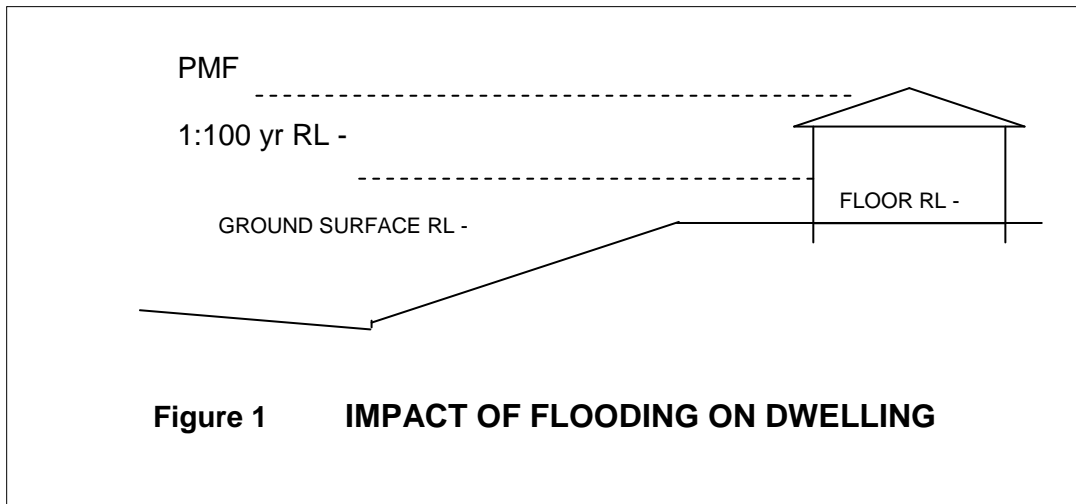
5 Contacts
(refer to note 5)

Typical details

• SES Location	Phone:
• Police Location	Phone:
• Closest Emergency Shelter Location	Phone:
• Alternative Emergency Shelter Location	Phone:
• Northpower	Phone:
• Telstra	Phone:
• Local Radio Stations 1. Freq. 2. Freq.	Phone: Phone:

6 Additional Detail
(refer to note 6)

SAMPLE DIAGRAMS



ADVICE ON COMPILING A FLOOD EVACUATION / CONTINGENCY PLAN.

(a flood contingency / evacuation plan is required for any development located in an area designated above the Low Hazard Flood Fringe or Flood Storage Areas)

Flood evacuation / contingency plans should be compiled by a suitably qualified person experienced in hydraulics.

To assist in completing the plan it is recommended discussions with long term residents whom have witnessed flood events such as those experienced in 1954, 1978 and 1987 may provide historical detail. The Local SES controller will also be able to provide valuable information concerning evacuation centres, warnings and emergency shelters. Byron Shire Council may in many instances provide flood heights relative to individual parcels of land.

Note 1 Flood Characteristics

This detail should give any future resident /occupier an understanding of what to expect during a flood event.

A brief description of how a flood event occurs in the area and its impact on the proposed development. Any historical knowledge detailing where previous waters have reached, damage to building, impact on services, etc.

The inclusion of a sketch as shown in Figure 1 provides residents / occupants with a clear visual impact of flooding on a development.

Residents / occupiers should understand that flood heights are given in metres in accordance with Australian Height Datum (AHD) and its relevance to their particular location.

Detail should include the level of the floor within the development, the level of the outside natural surface and the level of the 1% flood event (1 in 100yr). Levels of the PMF and any lesser events should also be included where known. Where possible advise on the range of flood heights for minor, moderate and major flooding.

Example

Following extensive wet weather, water flow from the Billinudgel area travelling down Marshall's Creek can cause overtopping of the natural banks of the creek. Low lying areas are then inundated with the potential of entering dwellings. Flow velocity at the residence is not considered to create a major risk to life however should the site need to be evacuated the critical point on the evacuation route should be traversed prior to inundation as depths and velocities shall create a danger to evacuees.

Note 2 Flood Warnings

Provide detail as to the warnings occupants can expect in relation to flooding and how they are received. At present the SES provide flood updates on the hour over local radio and TV stations.

These warnings include:

- Expected flood peak
- Road closures
- Long term weather forecasts
- Emergency Advice

Detail of Radio Station frequency, TV channels, contact phone numbers etc should be identified. Other flood warnings devices / notices specific to the development should also be identified in the Flood Evacuation Plan.

Note 3 Preparations

Occupants of the development should have clear direction on the various activities that need to be undertaken when preparing for an expected flood event.

Emergency equipment and clothing including

- Wet weather clothing
- Torch
- Radio (battery)
- Spare batteries
- Prescription medicines
- Basic food stuffs,

In addition residents / occupants need to ensure all goods, pets, livestock, motor vehicles, plant etc are stored / moved above flood level. Other activities including switching off electrical equipment, storing water and the like should be identified. A brief description of programmed activities may assist in reducing any losses due to flooding.

Note 4 Evacuation

Programming the evacuation process must ensure all activities are undertaken in a safe timely manner providing safe unassisted evacuation from the development. The inclusion of a sketch as detailed in Figure 2 provides occupants / residents with clear direction to Emergency Shelters including alternative routes.

4.1 Flood warnings

Following the reporting of flood warnings residents / occupants are encouraged to monitor flood advice taking notice of the impact on their locality. It is important to note the estimated flood peak and expected time.

4.2 Preparations

Upon flood warning advise indicating a flood event may impact on the development, all activities identified in the contingency plan should be undertaken ensuring sufficient time is available to evacuate if needed.

4.3 Evacuation

Flood Warnings indicate severe flooding in the locality. It is important that residents / occupants evacuate at a time to ensure any other location on the route has not been inundated by flood waters. The objective of timely evacuation ensures emergency personnel are not required to take undue risks providing assistance.

4.4 Notification

Should Residents / occupants seek alternative accommodation, contact should be made to the local shelter to avoid confusion as to people's safety and potential costly searches being undertaken.

Note 5 Contacts

Useful contact numbers for flood advice should be included in any flood contingency plan. The following authorities / services should be included.

- State Emergency Services
- Police
- Northpower
- Telstra
- Emergency Shelters

It is natural to be apprehensive during flood events however contact to the above should only be undertaken where there is a clear threat to safety so as not to congest control centres.

Note 6 Additional Detail

Any additional detail that may assist occupants in preparing for and understanding the impact of flood events

Draft Flood Proofing Code

Adequate flood proofing of buildings in flood liable areas is an effective and equitable means of reducing flood damage to the structure or building. It is essential that flood proofing be a condition of both compatible and conditional developments in flood liable areas.

A draft flood proofing code is incorporated in Table 10. This code is based on the Australian Department of Housing and Construction "Housing in Flood Prone Areas 1975". It is included as an example of the type of information and conditions that is required for buildings on flood liable land. Action is currently being taken by the Australian Standards Association to produce an official proofing code.

Construction Methods and Materials

Construction methods and materials are graded into four classes according to their resistance to floodwaters.

Suitable - the materials or products which are relatively unaffected by submersion and unmitigated flood exposure and are the best available for the particular application.

Mild effects - where the most suitable materials or products are unavailable or economic considerations prohibit their use, these materials or products are considered the next best choice to minimise the damage caused by flooding.

Marked effects - as for "2nd preference" but considered to be more liable to damage under flood conditions.

Sever effects - the materials or products listed here are seriously affected by floodwaters and in general have to be replaced if submerged.

Electrical and Mechanical Equipment

For dwellings^(D) constructed on flood liable land, the electrical and mechanical materials, equipment and installation must conform to the following requirements.

Main power supply - Subject to the approval of the relevant power authority, the incoming main commercial power service equipment, including all metering equipment, is to be located above the DFL. Means are to be available to easily disconnect the dwelling^(D) from the main power supply.

Wiring - all wiring, power outlets, switches, etc., must, to the maximum extent possible, be located above the DFL. All electrical wiring installed below the DFL must be suitable for continuous submergence in water and must contain no fibrous components. Only submersible-type splices are to be used below the DFL. All conduits located below the DFL are to be so installed that they will be self-draining if subjected to flooding.

Equipment - All equipment installed below or partially below the DFL must be capable of disconnection by a single plug and socket assembly.

Reconnection - Must any electrical device and/or part of the wiring be flooded it must be thoroughly cleaned or replaced and checked by an approved electrical contractor before reconnection.

Heating and Air Conditioning Systems

Heating and air conditioning systems must, to the maximum extent possible, be installed in areas and space of the house above the DFL. When this is not feasible every precaution must be taken to minimise the damage caused by submersion according to the following guidelines.

Fuel - Heating systems using gas or oil as a fuel must have a manually operated valve located in the fuel supply line to enable fuel cut-off.

Installation - The heating equipment and fuel storage tanks must be mounted on and securely anchored to a foundation pad of sufficient mass to overcome buoyancy and prevent movement that could damage the fuel supply line. All storage tanks must be vented to an elevation of 600 millimetres above the DFL.

Ducting - All ductwork located below the DFL must be provided with openings for drainage and cleaning. Self draining may be achieved by constructing the ductwork on a suitable grade. Where ductwork must pass through a water-tight wall or floor below the DFL, the ductwork must be protected by a closure assembly operated from above DFL.

Table 10 - Flood Proofing Code

component	Order of preference suitable	mild effects	marked effects	severe effects
floor and sub-floor structure	<ul style="list-style-type: none"> - concrete slab-on-ground monolith construction note: clay filling is not permitted beneath slab-on-ground construction, which could be inundated - suspension reinforced concrete slab 	<ul style="list-style-type: none"> - timber floor (T&G boarding, marine plywood) full epoxy sealed joints 	<ul style="list-style-type: none"> - timber floor (T&G boarding, marine plywood) with ends only epoxy sealed on joints and provision of side clearance for board swelling 	<ul style="list-style-type: none"> - timber close to ground surrounding base - timber flooring with ceilings or soffit linings - timber flooring with seal on top only
floor covering	<ul style="list-style-type: none"> - clay tiles - concrete, precast or in situ - concrete tiles - epoxy, formed-in-place - mastic flooring, formed-in-place - rubber sheets or tiles with chemical-set adhesives - silicone floors formed-in-place - vinyl sheets or tiles with chemical-set adhesives - ceramic tiles, fixed with mortar or chemical set adhesive - asphalt tiles, fixed with water resistant adhesive 	<ul style="list-style-type: none"> - cement/bitumenous formed-in-place - cement/latex formed-in-place - rubber tiles, with chemical-set adhesive - terrazzo - vinyl tile with chemical-set adhesive - vinyl-asbestos tiles asphaltic adhesives - loose rugs - ceramic tiles with acid and alkali-resistant grout 	<ul style="list-style-type: none"> - asphalt tiles with asphaltic adhesives - loose fit nylon or acrylic carpet with closed cell rubber underlay 	<ul style="list-style-type: none"> - carpeting, glue-down type or fixed with smooth edge on jute felts - chipboard (particle board) - cork - linoleum - PVA emulsion cements - vinyl sheets or tiles coated on cork or wood backings - fibre matting (sea- grass matting)
wall structure (up to the DFL)	<ul style="list-style-type: none"> - solid brickwork, blockwork, reinforced, concrete or mass concrete 	<ul style="list-style-type: none"> - two skins of brickwork or blockwork with inspection openings 	<ul style="list-style-type: none"> - brick or blockwork veneer construction with inspection openings 	<ul style="list-style-type: none"> - inaccessible cavities - large window openings
roof structure (for situations where DFL is above the ceiling)	<ul style="list-style-type: none"> - reinforced concrete construction - galvanised metal construction 	<ul style="list-style-type: none"> - timber trusses with galvanised fittings 	<ul style="list-style-type: none"> - traditional timber roof construction 	<ul style="list-style-type: none"> - inaccessible flat roof construction - ungalvanised steelwork eg. lintels, arch bars, tie rods, beams, etc. - unsecured roof tiles

Flood Proofing Code Continued...

component	Order of preference suitable	mild effects	marked effects	severe effects
doors	<ul style="list-style-type: none"> - solid panel with water proof adhesives - flush door with marine ply filled with closed cell foam - painted metal construction - aluminium or galvanised steel frame 	<ul style="list-style-type: none"> - flush panel or single panel with marine plywood and water proof adhesive - T&G lines door, framed ledged and braced - painted steel - timber frame fully epoxy sealed before assembly 	<ul style="list-style-type: none"> - fly-wire doors - standard timber frame 	<ul style="list-style-type: none"> - hollow core ply with PVA adhesives and honeycomb paper core
wall and ceiling linings	<ul style="list-style-type: none"> - asbestos-cement board - brick, face or glazed - clay tile glazed in waterproof mortar - concrete - concrete block - steel and waterproof applications - stone, natural solid or veneer, waterproof ground - glass blocks - glass - plastic sheeting or wall with waterproof adhesive 	<ul style="list-style-type: none"> - brick, common - plastic wall tiles - metals, non ferrous - rubber mouldings and trim - wood, solid or exterior grade plywood fully sealed 	<ul style="list-style-type: none"> - chipboard exterior grade - hardboard exterior grade - wood, solid (boards or timber) with allowance for swelling - wood, plywood exterior grade - fibrous plaster board 	<ul style="list-style-type: none"> - chipboard - fibreboard panels - mineral fibreboard - paperboard - plaster-board, gypsum plaster - wall coverings (paper, burlap cloth types) - wood, standard plywood strawboard
insulation	<ul style="list-style-type: none"> - foam or closed cell types 	<ul style="list-style-type: none"> - reflective insulation 	<ul style="list-style-type: none"> - bat or blanket types 	<ul style="list-style-type: none"> - open cell fibre types
windows	<ul style="list-style-type: none"> - aluminium frame with stainless steel or brass rollers 	<ul style="list-style-type: none"> - epoxy sealed timber waterproof glues with stainless steel or brass fittings - galvanised or painted steel 		<ul style="list-style-type: none"> - timber with PVA glues mild steel fittings
nails, bolts, hinges and fittings	<ul style="list-style-type: none"> - brass, nylon or stainless steel - removable pin hinges 	<ul style="list-style-type: none"> - galvanised steel - aluminium 		<ul style="list-style-type: none"> - mild steel

Map - Byron Shire Flood Liable Land



Development Control Plan 2010 – Chapter 1 Part K – Flood Liable Lands
Adopted 3 March 2011 Effective 31 March 2011 (#1068736)

Note: ^(D) = definition included in Chapter 1 Part A7 of this DCP

Chapter 1: Part L

Signs

Document History

Doc No.	Date Amended	Details Comments eg Resolution No.
#312315	25 November 2004	Res 04-727 L1 – Introduction L7 – Prohibited Signs Amendment No. 5
#312315	14 October 2010	Res 10-696 - to create Draft DCP 2010 for public exhibition
#1017173		Draft DCP 2010 Part L (public exhibition copy)
#1068763	14 March 2011	Adopted Res 11-169 – format changes applied

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Note: ^(D) = definition included in Chapter 1 Part A7 of this DCP

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L1. INTRODUCTION

What is the purpose of this part?

The purpose of this part of the DCP is to provide guidelines and controls for outdoor advertising, consistent with the objectives and provisions of Byron LEP 1988 and SEPP 64 – Advertising and Signage.

The Byron Shire Council and the Shire's community as a whole are aware of the need to preserve the uniqueness of the natural and the built environment. Council has recognised its responsibility to take the lead in preparing guidelines for a coordinated approach to signs in the Shire, and to encourage signs that respect the character of the Shire.

It is Council's intention to encourage the use of signs in appropriate locations in the Shire that reflect the character and tourist nature of the area. Signs in Byron Shire are to advertise a place of business or give direction and/or information. Signs are to be architecturally attractive and contribute to the retention and enhancement of the character of the area.

Well-designed and well-maintained signs, which respect the scale and character of the street, enhance commercial areas. However, when signs do not relate appropriately to their surroundings, when they reach excessive size, and when they feature blatant and discordant designs, they reflect poorly on the overall quality of a commercial area and the environment.

Sign standards are set to assure the proprietor/merchant that precisely the same controls will apply to all other premises. The proprietor is thus protected against undesirable and overpowering advertising structures from competitors and/or adjacent properties. Without reasonable and fairly applied design criteria regarding height, shape, size, number, lighting and movement, signs will distract and dominate the setting.

What are the Objectives of this Part?

The Objectives of this part of the DCP are:

- To enable occupiers of land to identify themselves and their businesses clearly and fairly.
- To promote a high standard of advertising quality, design and finish, and to prevent excessive advertising and visual clutter.
- To ensure the provision of advertising and signs that provides effective communication in suitable locations.
- To promote advertising and advertising structures that are in harmony with their surroundings, including the buildings to which they are attached, and are compatible with the desired amenity and visual character of the area.
- To ensure that advertising is sympathetic to the character of villages and areas of historical significance.
- To ensure that advertising does not detract from the scenic beauty and amenity of the Shire.
- To ensure that advertising does not reduce the safety of any road, pedestrian path or navigable waterway.
- To assist visitors to locate and enjoy the attractions of the Shire.

- To regulate signs (but not content) under Part 4 of the Environmental Planning and Assessment Act.
- To provide time-limited consents for the display of certain advertisements.

What do terms used in this DCP mean?

In this section, where reference is made to areas, the accompanying illustrations are to be taken as a guide only, indicating typical dimensions which will achieve the maximum permissible area.

In this plan, except in so far as the context or subject matter otherwise indicates or requires:

Sign or advertising device

means any painted or fabricated element, including its structure, which may consist of any letter, figure, character or mark.

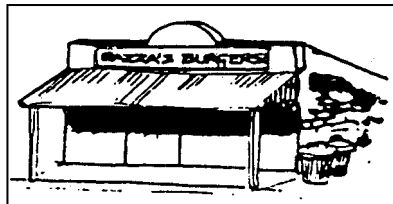
It may include the wall of a building, a freestanding wall or fence, etc., upon which letters and/or graphics are painted or displayed.

Advertising structure

means a structure that is principally designed for, or that is used for, the display of an advertisement.

Above awning sign

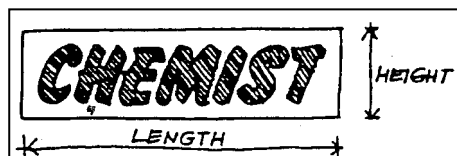
means a sign located on top of an awning or verandah with no part of the sign projecting above the roof, parapet or ridge line or beyond the awning edge, which has an area not exceeding 2.2 m².



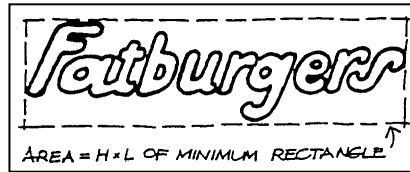
Advertising display area

Means the area of an advertising device or structure used for signage, and includes any borders of, or surrounds to, the advertisement or advertising structure, but does not include safety devices, platforms or lighting devices associated with advertisements or advertising structures. The area is further defined as:

- (a) in the case of a sign with clearly defined edges, its height multiplied by its length;



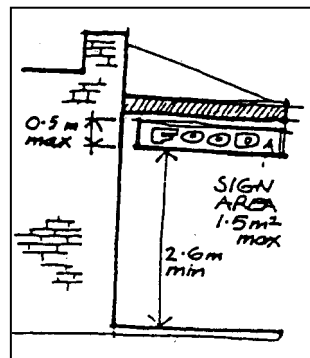
- (b) in the case of a sign without clearly defined edges (eg. a skeleton letter type sign), the area of the minimum rectangle within which the letters or graphics fit;



- (c) the advertising display area of an advertising structure that contains advertising on two or more sides is to be calculated separately for each side and is not the sum of the display areas on all sides.

Below awning sign

means a sign fixed below an awning and located such that the base of the sign is not less than 2.6 m above the footpath at any point, which has an area not greater than 1.5 m² and a depth not greater than 0.5m. Signs must be located so as to have the centre at least 3 metres from the centre of any other below awning sign, and must not project beyond the edge of the awning except in the case of an awning wholly within the boundaries of the allotment occupied by the building.



Commercial/business identification sign

means an advertisement whether illuminated or not which -

1. has an outline that would fit within a rectangular figure 1.2 m in length and 0.6 m in height; and
2. in respect of any place or premises to which it is affixed contains only –
 - a) a reference to the identification or description of the place or premises, including the address of the place or premises, and a logo or other symbol that identifies the business;
 - b) a reference to the identification or description of any person residing or carrying on an occupation at the place or premises;
 - c) particulars of any occupation carried on at the place or premises;
 - d) such directions or cautions as are usual or necessary relating to the place or premises or any occupation carried on thereat;
 - e) particulars or notifications required or permitted to be displayed by or under any Act or any Act of the Parliament of the Commonwealth;

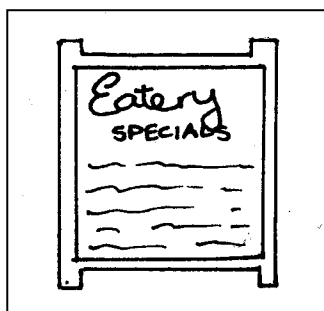
- f) particulars relating to the goods, commodities or services dealt with or provided at the place or premises;
- g) particulars of any activities held or to be held at the place or premises; or
- h) a reference to an affiliation with a trade, professional or other association relevant to the business conducted on the place or premises.

but that does not include any advertising relating to a person who does not carry on business at the premises or place.

Chalk board

means a movable board not greater than 1.5 m² in area, used to describe goods or services for sale which vary on a regular basis (eg. restaurant menu, real estate sales) and which is located on private property or affixed to the frontage of the property.

A chalk board must contain a sign written heading indicating the premises to which it refers.



Directional sign (ie. Fingerboard sign)

means any sign directing vehicular or pedestrian traffic to premises which are situated in isolated and/or particularly obscured locations.

Upon application, Council can provide a directory fingerboard sign in appropriate locations. Further detail is provided within Section L6.2 in relation to Fingerboard Signs.

Fascia sign

means any sign located on the fascia of awnings with lettering generally a maximum of 450 mm in height, providing that the height of lettering does not exceed the background dimensions of the fascia.

Flush wall sign/ wall advertisement

means an advertisement that is painted on or securely fixed to an exterior flat wall of a building where the display area of the sign achieves the following:

- on a building elevation of 200m² or more, the advertisement is not to exceed 10% of the above ground elevation;
- on an above ground building elevation of more than 100m² but less than 200m², the advertisement is not to exceed 20m²;
- on an above ground building elevation of not more than 100m², the advertisement is not to exceed 20% of the above ground elevation.
- In accordance with State Environmental Planning Policy No. 64, such signs are limited to one (1) per building elevation, and may be permitted only where:
 - the sign does not protrude more than 300 millimetres from the wall, unless occupational health and safety standards require a greater protrusion;
 - the sign does not protrude over the parapet or eaves of the building;
 - the sign does not extend over a window or other opening;

- the sign does not obscure significant architectural elements of the building;
- a building identification sign or business sign is not displayed on the building elevation.

Home occupation sign

means any advertising device not exceeding 0.3 m² in area and bearing only the name of the occupier and/or occupation. The sign must not be located over a public road and must be attached to the dwelling-house^(D) or dwelling^(D).

Identification sign

means any advertising device containing an advertisement which refers only to the name or the proprietor, the name of the premises, the nature of the use and/or the address, including the telephone number.

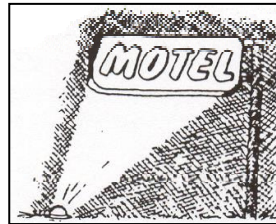
These signs are to be no larger than 0.8m in length and 0.5m in height.



Indirectly illuminated sign

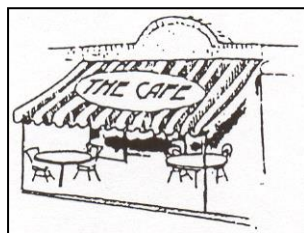
means any advertising device which is illuminated by an external source of light to make the message readable.

Such signs must not have an area greater than 4 m² in total per premises.



Integrated sign

means any sign that is a permanent, integrated, professionally designed component of a building, the location of which is included in the development approval, and may include an awning sign.



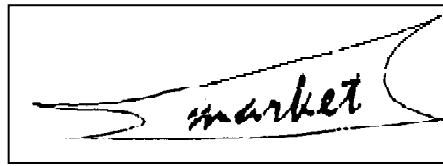
Internally illuminated sign

means any advertising device illuminated by an internal source of light to make the message readable. Such signs must not have an area greater than 4 m² in total per premises.

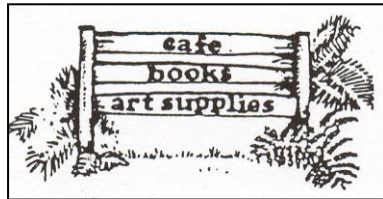


Kite or banner

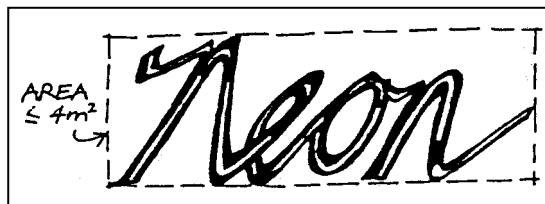
means a single piece of lightweight material attached or supported on one or two sides so as to allow movement caused by the atmosphere.

**Multiple identification sign**

means an identification sign containing a list of businesses occupying a shared tenancy or the same premises, which has a total advertising area not exceeding 4m², excluding industrial estates.

**Neon sign**

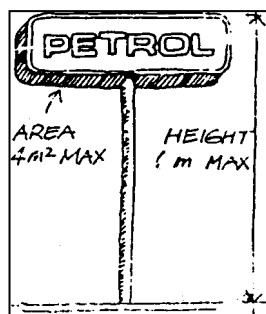
means any illuminated advertising device which gives off a coloured glow when electricity is passed through it, which has a total area not exceeding 4 m².

**Pole/ freestanding sign**

means any advertising device which is supported by one or more columns, uprights or braces in or upon the ground, and which is not directly attached to any building or other structure. It may include a revolving advertising structure. A maximum of one pole sign per premises is permitted.

A pole sign must not have an area exceeding 4m², and a height not exceeding 6 metres, and must maintain a minimum height above ground level of 2.6 metres to the base of the advertisement area.

In accordance with State Environmental Planning Policy No 64 a pole/ freestanding sign must not protrude above the dominant skyline (including buildings, structures, or tree canopies) viewed from ground level within a visual catchment of 1 km.

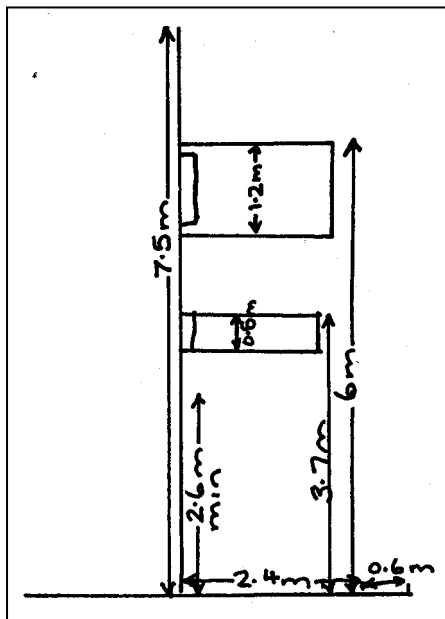


Projecting wall sign (vertical)

means any advertising device attached to a building where the height of the sign is not less than its width, and having a maximum allowable projection of:

- 0.8 metres, where the sign incorporates a maximum height of 3.7 metres above the natural ground level;
- 0.9 metres, where the sign incorporates a maximum height of 4.6 metres above the natural ground level; or
- 1.2 metres, where the sign incorporates a maximum height of 5.5 metres above the natural ground level.

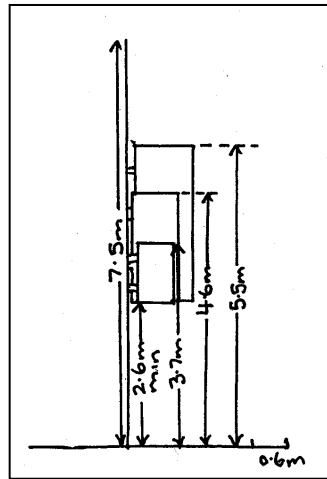
Any such sign must be a minimum of 2.6 metres above the footpath and have no parts of the sign projecting above the roof, parapet or ridgeline, nor obscuring any architectural feature of the building. Where such signs have more than 2 faces, one face of the sign must be parallel to the building alignment. No part of the sign may be located within 0.6 metres of the vertical projection of the kerb alignment.

**Projecting wall sign (horizontal)**

Means any advertising device attached to a building where the width of the sign is not less than its height, and having a maximum depth of:

- 0.5 metres, where the sign incorporates a minimum height of 2.6 metres, at the base of the sign, and a maximum height of 3.7 metres above the natural ground level;
- 1.2 metres, where the sign incorporates a maximum height of between 3.7 metres and 6.0 metres above the natural ground level.

Such signs may extend over the footpath to a maximum distance of 2.4 metres, or to within 0.6 metres of the edge of the kerb, whichever is the lesser, and must be located to achieve a minimum height of 2.6 metres above the footpath to the base of the sign. Any such sign must have no parts projecting above the roof, parapet or ridgeline, nor excluding any architectural feature of the building. Where such signs have more than 2 faces one face of the sign must be parallel to the building alignment.



Real estate sign

means any advertising device located on or attached to any land, building or other structure, indicating that such land, building or structure is for sale, rent, auction or disposal by other means, and which has an area not greater than:

- 0.75m² in residential areas; or
- 2.5m² in commercial areas; or
- 3.5m² in industrial areas.



Roof sign/ roof or sky advertisement

means any advertising device erected upon or above, or extending above, a roof or parapet of any building or other structure, and which is wholly or partly supported by that building or structure. Such signs are generally prohibited, and in accordance with Clause 21 of State Environmental Planning Policy No. 64 – Advertising and Signage, may not be consented to unless a development control plan is in force that has been prepared on the basis of an advertising design analysis for the relevant area or precinct, and the display of the advertisement is consistent with that development control plan.



Sandwich board sign

means any portable sign or device having a maximum area of 1m² and a maximum width of 0.75m, which must be self supporting and be restricted to one sign per premises.

Temporary sign

means any advertising device which is erected or displayed to advertise community or civic projects, construction projects or other special events on a temporary basis, for a period not exceeding 2 calendar months.

Top hamper sign

A sign attached to the transom of a doorway or display window of a window.

Wall sign

means any advertising device which is painted directly onto an exterior wall of a building or other structure, where the area of such sign does not exceed 6 m².

The face of a wall sign must be parallel to the wall on which it is painted and its area may not exceed the dimensions specified above for a flush wall sign. Such signs are subject to the requirements applicable to 'flush wall sign\wall advertisement' above.

Window sign

means any sign painted or displayed on a shop window or any glazed area of a building, not exceeding a total advertising area of 6m².

L2. GENERAL REQUIREMENTS

L2.1 Non-conforming signs - merits-based consideration

A non-conforming sign, other than a prohibited sign, may be permitted where it is considered that it has merit, and in particular where the following conditions are met:

- (a) the colours harmonise within the sign, and with the sign's surroundings;
- (b) lettering is orderly and the number of words is limited to deal with essential facts;
- (c) the size enables a rationalisation of existing signs, providing one advertising space instead of several small signs; or
- (d) the sign compensates for a road setback, so that the sign can be located away from the immediate roadside but still be visible.

In addition Council will consider:

- (a) whether the design quality of the sign is an embellishment to the environment; and
- (b) whether the amenity of the neighbouring properties and land uses is preserved; and
- (c) whether the design, siting, colour and materials of the sign complement the building colour scheme and facade treatment.
- (d) whether the proposed sign is consistent with the objectives of State Environmental Planning Policy No. 64 – Advertising and Signage.
- (e) whether the proposed sign is consistent with Schedule 1 (Assessment Criteria) of State Environmental Planning Policy No. 64 – Advertising and Signage.

L2.2 Information to be provided with any Application

- Description of the sign and advertising structure, eg. dimensions, whether illuminated, etc.
- Diagram accurately showing full colour scheme, wording and/or graphics, including dimensions of sign and drawn to an appropriate and clearly identified scale.
- Site^(D) plan accurately showing the location of the sign and advertising structure. Such plans to incorporate dimensions and to be drawn to an appropriate and clearly identified scale (eg. 1:50, 1:100).
- In the case of a freestanding sign, plans must also be provided to clearly identify the height and location of adjacent buildings, and/or tree canopies. Perspective diagrams or photographic imagery must be provided to demonstrate that the sign does not protrude above the dominant skyline (including building structures or tree canopies) when viewed from ground level within a visual catchment of 1 km.
- Where the sign is attached to a building, elevations showing windows, verandahs or other major architectural features in relation to the sign, drawn to an appropriate and clearly identified scale.
- Signs are required to be supported in a suitable manner to withstand wind loadings. In the case of large or complex advertising structures, a registered professional engineer

will be required to certify the structural adequacy of the sign and its supporting structure.

-

L2.3 Duration of consent

In accordance with Clause 14 of State Environmental Planning Policy No. 64 – Advertising and Signage, consents granted for signage under the provisions of the SEPP, are valid for a period of 15 years from the time the consent is granted.

L2.4 SEPP 64 DCP requirements

In accordance with the provisions of State Environmental Planning Policy No. 64 – Advertising and Signage, consent may not be granted for the following types of signs unless a development control plan is in force that has been prepared on the basis of an advertising design analysis or public art policy, for the relevant area or precinct:

- Advertisements on rural or non-urban land (Clause 15)
- Signage incorporating a display area greater than 45m² (Clause 19)
- Roof or sky advertisements (Clause 21)
- Special promotional advertisement (Clause 25)
- Building wrap advertisement (Clause 26)

L3. SIGN TYPES AND LOCATIONS

L3.1 Element – Sign Categories

Element Objective

To identify those advertising sign types which require development consent, or are exempt or prohibited development, in the various zones and/or land use categories within the shire.

Performance Criteria

Where development consent is required as identified by the Sign Category Table below, application is to be made to Council.

Signs identified as exempt or complying development are subject to the Exemption Circumstances and Requirements of Chapter 16 – Exempt and Complying Development of this DCP.

Prescriptive Measures

Council has specified 4 zoning groups and the various signs which are likely to be used within these groups. The following Sign Category Table illustrates the zoning groups and the applicable requirements.

Sign category table

Signs	Zones:			
	Commercial Village business Industrial	Rural Residential	Residential Open space Non urban	Other Unspecified Zones*
Above awning	C	x	x	x
Below awning	C	x	x	x
Business identification	D	D	D	D
Chalk board	E	x	x	x
Directional (Fingerboard)	E	E	E	E
Fascia	E, C	x	x	D
Home occupation	E	E	E	E
Identification	D	x	x	D
Indirectly illuminated	D	x	x	D
Integrated	D	x	x	D
Internally illuminated	D	x	x	x
Kite, banner or flag	D	x	x	x
Multiple identification	C, D**	x	x	D
Neon	D	x	x	D
Pole/freestanding	D	x	x	D
Projecting	C, D**	x	x	x
Real estate	E	E	E	E
Road reserve	x	x	x	x
Roof or sky	x	x	x	x
Temporary	E***, C	x	x	x
Top hamper	D	x	x	D
Wall / Flush Wall	E, C, D**	x	x	E, C, D**
Window	E	x	x	D
Street banner	E***	x	E***	E***

* = Where not otherwise prohibited by this plan

** = Development consent required where not in accordance with the exemption

*** = circumstances/requirements of Chapter 16 of this DCP
 = Exempt subject to the requirements of Chapter 1 Part L4.3 of this plan

Legend

<i>E</i>	Exempt – Subject to Exemption Circumstances/Requirements of Chapter 16 of this DCP.
<i>C</i>	Complying Development Certificate required – Subject to Requirements of Chapter 16 of this DCP.
<i>D</i>	Development consent required .
<i>x</i>	Sign is prohibited

L4 COMMERCIAL AND INDUSTRIAL SIGNS

L4.1 Element – Permissibility

Element Objective

To ensure the display of advertising signs are compatible with the character and function of business precincts and surrounding areas, and with the provisions of this plan.

Performance Criteria

Signs must reflect the role and function of the business premises, and achieve the design and siting requirements of this plan.

Prescriptive Measures

The function and design of advertising signage must accord with the definitions contained within Part L1 of this chapter.

Sign type and location within various zones must be consistent with the Sign Category Table provided within Part L3 of this chapter.

Consent will not be granted to signs prohibited by this plan.

Signage proposals must demonstrate compatibility with the objectives and assessment criteria (Schedule 1) of State Environmental Planning Policy No. 64 – Advertising and Signage.

L4.2 Element – Location, Size and Number

Element Objective

To avoid proliferation of advertising signage and to ensure that signage provides effective communication in appropriate locations.

Performance Criteria

Design, siting and number of signs are to be restricted to ensure equity for land uses and to promote a pleasant and uncluttered visual environment.

Prescriptive Measures

Signs must be located on the land to which they refer, unless otherwise approved in accordance with Part L4 of this chapter.

The size and scale of signs must complement the buildings and structures to which they are attached and must be appropriate to the size of the building and the road or pedestrian way.

Freestanding signs are allowed only where building setbacks and road function make them appropriate and where the design is consistent with the definition criteria within Part L1 of this chapter.

Signs are allowed in appropriate positions on buildings, such as fascias, or under verandahs where space and building style allow.

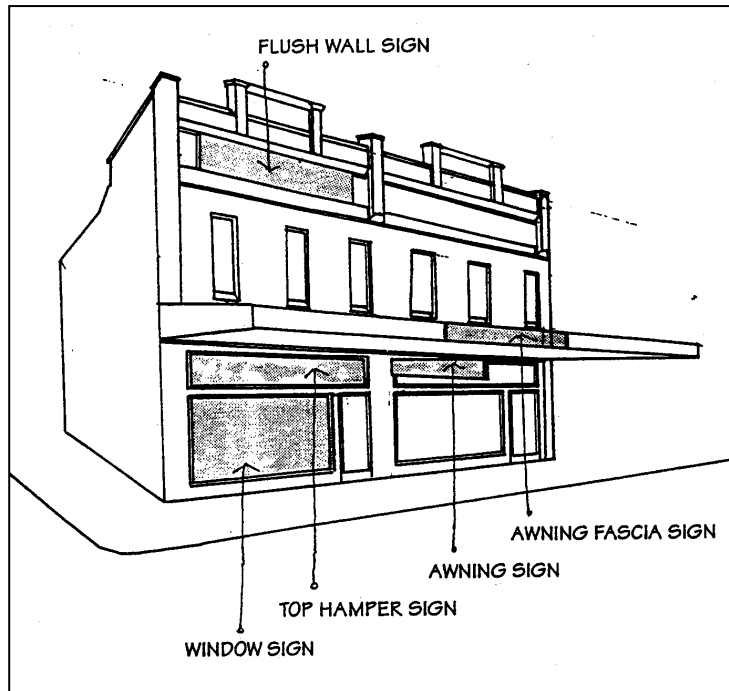
Signs must be incorporated into the architecture of the building (eg. within recessed panels in the facade).

On buildings with more than one shop or business, signs must be coordinated in height, shape, size and colour and must be located and designed in a co-ordinated manner so as to complement the building facade and enhance the visual appearance of the building.

Business premises signs are limited to a maximum of three signs per road frontage, and are to select from three of the following types/combinations:

- Below/above awning sign
- Flush wall sign
- Window or top hamper sign
- Fascia sign

Office premises are limited to one sign for each premises.



L4.3 Element – Content, Colours and Materials

Element Objective

To promote advertising signage design that provides clear communication and is compatible with the surrounding locality and the building to which it is attached.

Performance Criteria

Advertising signage is to relate to the business activity carried out at the premises on which it is displayed. Third party signage is inappropriate.

Signs are to be simple, clear and concise.

Signs are to provide essential information.

Graphic symbols may be much more effective than words.

Advertisers are encouraged to include street numbers for ease of identification by customers and emergency services.

Chapters of this DCP relevant to specific towns and villages within the Shire also contain requirements in relation to advertising signs and acceptable materials and design elements (eg. Chapter 11 – Mullumbimby, Chapter 12 – Bangalow). Such chapters of this DCP are to be consulted where appropriate.

Prescriptive Measures

For good visibility, sign colours must contrast with, but complement, the surrounding building colour scheme. Very bright neon colours will not be approved.

Colours and materials must complement the building colour scheme and facade treatment, including any architectural features of the building.

Sign materials must be durable and waterproof. Natural materials are preferred. Signs that fade or deteriorate rapidly become unsightly and will not be approved.

Any sign which is illuminated may be required to be fitted with an automatic timing device to extinguish the illumination during specified hours to avoid light spill into residential areas.

L5 HISTORIC AND VILLAGE AREAS

L5.1 Element – Theme and Design

Element Objective

To ensure that display of advertising signage contributes favourably to the character of historic and village areas.

Performance Criteria

Co-operative advertising to promote the village as a whole is of mutual benefit to traders and is encouraged. Colours, lettering and style must be appropriate to the historic period of the village or precinct.

Individual signs must reinforce the theme using similar colours, lettering and styles.

Prescriptive Measures

In accordance with Clause 10 of State Environmental Planning Policy No. 64 – Advertising and Signage, the display of advertisements other than building identification signs, business identification signs or signs which are exempt development under another environmental planning instrument, are prohibited in heritage areas (ie. Bangalow Heritage Precinct).

Advertising signage in village and heritage areas must demonstrate compatibility with the Element Objective of this Part, and the objectives and assessment criteria (Schedule 1) of State Environmental Planning Policy No. 64 – Advertising and Signage.

In historic and rural village areas advertisements and advertising structures must be appropriate to the character of historic or local architecture, the streetscape and the special landscape qualities of the village. Sign proposals for Heritage Precincts must be compatible and in scale with the precinct's historic character. Requirements of specific chapters of this DCP must be observed where guidelines for advertising signs are incorporated (eg. Chapter 11 – Mullumbimby, and Chapter 12 – Bangalow).

Early commercial buildings were often designed to incorporate advertising and, where possible, signs must be located in the position provided.

Traditional materials must be used for advertisements, especially painted wood and flat metal panels.

Sign materials introduced after 1900 must be avoided, eg. plastic, three-dimensional or base-relief metal, styrofoam and similar moulded synthetic materials, reflective and opalescent paints.

Lighting must be recessed or concealed spotlighting.

Lettering must generally be simple, clear and symmetrical, using uppercase lettering and using symbols sparingly.

Modern or highly stylised letter styles are inappropriate.

Use dark or muted colours, eg. maroon, dark green, terracotta, brown, charcoal; highlight with creams, pinks, ochres and earth tones.

Use primary colours sparingly.

L6 SIGNS ON PUBLIC LAND

L6.1 Element – Road Reserve Signs

Element Objective

To reduce visual clutter and improve the safety of all users of public road reserves.

Performance Criteria

Generally, no signs will be permitted to be located in road reserve areas. However, Council will consider applications from tenants or property owners undertaking activities which are located in isolated or particularly obscured locations. Such signs must be of a high graphic standard and would be constructed at the cost of the tenant or property owner.

Special fees may apply which will include Council's costs for maintenance and indemnity insurance.

Nothing in this policy must act or be interpreted to prohibit or restrict the display of any advertisement, notice or warning authorised by or pursuant to any statute or law, and approved by the Council.

Prescriptive Measures

The location of, design of and approval for road reserve signs will depend on:

- (a) location, length and width of existing footpaths and roadways;
- (b) location of existing access to properties, underground and other services; and
- (c) individual circumstances;
- (d) ability to achieve compliance with objectives and assessment criteria (Schedule 1) of State Environmental Planning Policy No. 64 – Advertising and Signage.

and must meet the requirements of Council's Development and Approvals Department.

In addition, each application for a road reserve sign will require the agreement of the Local Traffic Committee.

Advertising signs associated with tourist information maps erected by or on behalf of Council may be permitted.

L6.2 Element – Fingerboard Signs

Element Objective

To enable identification of, and provide direction to, activities which are located in isolated or obscured locations, that would not otherwise be easily located by residents and/or tourists.

Performance Criteria

Fingerboard signs must only be directional/informative and not function as a promotion for the business.

Prescriptive Measures

Council-erected fingerboard signs are attached to street name poles or similar poles and indicate the type of facility only, eg. caravan park^(D), restaurant, hospital.

The cost of a Council-erected fingerboard sign will be borne by the applicant. Council's Community Infrastructure Department is responsible for granting consent for these signs and approving their location.

Signs are limited to the colours and purposes shown in the following table:

Colours	Purposes
Black lettering on white reflective background	Street names Community facilities, eg. school or church
White reflective lettering on blue background	Tourist facilities, eg. club, sporting facilities, caravan park ^(D) , surfing beach
White reflective lettering on brown background	Places of historic or cultural interest, eg. historical building or monument

L6.3 Element – Street Banners

Element Objective

To enable the promotion of non-permanent local activities or events of a cultural, civic or community nature, in a manner that does not compromise the aesthetic character, or public safety, of the area within which the signage is displayed.

Performance Criteria

Council may permit overhead street banners/temporary signs to be erected in towns in the Shire on a temporary basis to promote special local events of a cultural, civic, community, educational or entertainment nature. Such signs will require a temporary application under the provisions of the Roads Act 1993.

Prescriptive Measures

- Applications are limited to non-profit making bodies for advertising local events.
- Banners are to be erected no more than 2 weeks before the event.
- Priority for locations will be on a first come-first served basis, except that previous regular users may have overall priority provided that a minimum of one month's notice is given.
- Advertising is limited to the name and date of the event. No sponsor information or promotion is to be included on the banner;
- The banner and all rope or wire attaching lines must be removed within twenty four (24) hours of the completion of the event.
- The banner must be properly constructed and capable of withstanding strong wind gusts. Nylon rope for attachment is unsuitable as this tends to stretch over a short period of time. The banner must incorporate holes to allow wind to escape.

L7 PROHIBITED SIGNS

L7.1 Element – Prohibited Signs

Element Objective

To ensure that public safety or the built form, character and natural environment of the shire are not compromised by inappropriate design or siting of advertising signage.

Performance Criteria

Signs must not:

- Adversely effect traffic safety,
- Be so located or of a size that dominates or detracts from the building to which it is attached or located near,
- Damage any tree,
- Affect services, or
- Be excessive in number or detail.

Prescriptive Measures

The following signs are prohibited in all zones within the Shire:

- Any sign which would adversely affect traffic lights or authorised road signs, by obscuring from the view of pedestrians and/or road users or otherwise adversely affecting the function of such lights or road signs.
- Animated signs including flashing or moving signs.
- Signs on trees, electricity or telephone poles or other inappropriate structures.
- Roof or sky advertisements signs on or above the roof or parapet of a building.
- Signs obscuring architectural features of the building.
- Bunting, except for temporary signs related to local festivals, fairs or celebrations, or other community activities.
- Signs that are too large in relation to the speed of traffic on the roadway.
- Numerous small signs and advertisements carrying duplicate information.
- Any sign not on the land to which it refers or relates unless specifically exempted by Council (see the provisions of part L4 of this plan).
- Signs mounted on or attached to stationary cars or trailers which direct attention to a nearby business.
- Signs with too much information. This is ineffective and may be a danger to road users.
- Advertising billboard signs.
- Signs on waste bins unless for community related purposes approved by Council.
- Any freestanding sign exceeding 6 m in height.
- Any sign located over the footpath which is lower than 2.6 m above the footpath.
- Signs located along main or arterial roads in rural areas, except for Government, Council, identification or home occupation signs.
- All other signs not specifically approved in this policy.
- Advertisements on bridges.
- The display of advertisements (other than business identification signs, building identification signs, or advertisements which are exempt development under the provisions of Chapter 16 of this DCP) is prohibited on land, that under an environmental planning instrument, is within any of the following zones or descriptions:
 - Environmentally sensitive area (Environmental Protection Zones)
 - Heritage area
 - Natural or other conservation area
 - Open space
 - Waterway
 - Residential (but not including a mixed residential or business zone, or similar zones)
 - Scenic protection area
 - National Park
 - Nature reserve

Chapter 1: Part N

Stormwater Management

Document History

Doc No.	Date Amended	Details Comments eg Resolution No.
#389721	25 November 2004	Res 04-727 Addition of Part N – Stormwater Management Amendment No. 5
#389721	14 October 2010	Res 10-696 - to create Draft DCP 2010 for public exhibition
#1017188		Draft DCP 2010 Part N (public exhibition copy)
#1068787	14 March 2011	Adopted Res 11-169 – format changes applied

PART N - STORMWATER MANAGEMENT

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Note: ^(D) = definition included in Chapter 1 Part A7 of this DCP

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N1. INTRODUCTION

What is the purpose of this Part?

The primary purpose of this Part of the DCP is to provide controls and guidelines for stormwater management for development within Byron Shire.

What are the Objectives of this Part?

The objectives of this Part are:

- To promote the adoption of on-site stormwater management practices that support a 'pre-development' hydrological regime in surface flow, streams and groundwater.
- To ensure that new development does not reduce the effectiveness of existing drainage infrastructure.
- To minimise the impacts of stormwater runoff from a site on adjoining properties.
- To provide an acceptable level of protection against personal injury and property damage due to localised stormwater runoff.
- To promote the adoption of on-site retention, detention and infiltration of stormwater where this is feasible.
- To promote stormwater harvesting and other forms of innovative water conservation.
- To promote better integration of stormwater management into new development proposals.
- To ensure that on-site stormwater management facilities can be economically maintained, and that adequate arrangements are made for on-going maintenance.

N2 STORMWATER APPROVAL

N2.1 Development Applications

Development applications must contain sufficient information to assess whether the proposed stormwater management system is feasible, both within the site and in its connection to the public drainage system.

An approval of the stormwater management system may be required under Section 68 of the Local Government Act 1993 or Section 138 of the Roads Act 1993.

An applicant may lodge detailed stormwater management construction plans with the development application for concurrent approval under Section 68 of the Local Government Act 1993 and Section 138 of the Roads Act 1993, as necessary. Alternatively stormwater management concept plans must be lodged with the development application and a condition of consent will require the relevant approvals prior to issue of the Construction Certificate.

N2.2 Section 68 of the Local Government Act 1993

Under Section 68(1) of the Local Government Act 1993, a person may only carry out a *stormwater drainage work* with the approval of Council.

A *stormwater drainage work* is defined by the Act as:

“the construction, alteration, extension, disconnection, removal, maintenance, repair, renewal, flushing, cleansing or clearing of any stormwater drain communicating or intended to communicate, directly or indirectly, with any stormwater channel of a council.”

N2.3 Section 138 of the Roads Act 1993

Under Section 138 of the Roads Act 1993, a person may only carry out works in the road reserve with the consent of the roads authority. Council is the roads authority for all roads within the Shire, except any freeways. Council requires concurrence from the RTA for approval of works in the road reserve of main roads.

N2.4 Stormwater Concept Plan

Development applications not seeking concurrent approvals for the stormwater management system must be supported by a Stormwater Concept Plan containing the following information, as applicable:

- Existing and proposed finished surface contours at relevant intervals (ie 0.1m for flat sites to 1.0m for sloping sites) and spot levels.
- Proposed and existing building locations and floor levels.
- Street levels including gutter.
- Proposed infiltration measures (eg soakage trenches, swales, landscaping, permeable pavements, etc.). Where infiltration failure will affect a neighbouring property and the development involves more than a single dwelling (eg multi unit residential, commercial, industrial etc) then detailed infiltration test results and design are required. Refer to Off-site discharge.
- Proposed discharge points to the public stormwater drainage system (show levels at these locations).
- Site constraints such as trees, services or structures that may affect the drainage system.
- Existing or proposed drainage easements.
- Any surface flow paths or flood-affected areas.
- Conceptual location and levels of proposed stormwater pipes and drainage pits.
- Conceptual location and approximate area of proposed on-site detention facilities.

- Proposed on-site detention stored water invert levels and emergency spillways.
- Proposed management controls for flows entering, within and leaving the site.
- Preliminary on-site detention calculations.
- Justification that the proposed design measures will not cause adverse stormwater impacts on adjoining properties

Copies of Deposited Plan(s) and section 88B Instruments, showing details of easements over downstream properties, must also be submitted with the development application.

N2.5 Detailed Stormwater Management Construction Plans

Detailed Stormwater Management Construction Plans must contain sufficient information to assess whether the proposed stormwater management system:

- Satisfies all relevant objectives and requirements of this DCP.
- Satisfies any relevant conditions of the development consent.
- Will function as designed.

Section 68 and/or Section 138 applications must be accompanied by detailed engineering drawings that contain the following stormwater information where applicable:

- Location, layout and dimensions for all stormwater management structures and measures (A1, A2 or A3 drawings).
- All information and specifications necessary to enable the stormwater management system to be constructed in accordance with the design intent, and to enable a 'works as executed' plan to be prepared.
- Description of the proposed work.
- Existing and proposed contours at relevant intervals (ie 0.1m for flat sites to 1.0m for sloping sites).
- Existing and proposed surface and floor levels on the site and on adjoining properties.
- Vertical information sufficient to assess the impact of runoff from adjacent properties and demonstration that existing surface flows on adjacent properties will not be altered as a result of the proposed development.
- Catchment area draining to each on-site detention storage and bypass drainage.
- Location, extent, depth, volume and maximum storage level of each on-site detention storage.
- Location and level of spillways.
- Location and details of each discharge control device.
- Orifice plate dimensions and centreline levels.
- Pit locations, dimensions and levels (surface and invert).
- Location and levels of internal drainage system.
- Pipe inverts and grades.
- Levels and locations of the discharge points for each storage.
- Levels, location and type of connection to the public drainage system.
- Kerb heights and levels.
- Overflow structures and surcharge paths.
- Final site or lot layout, including drainage easements.
- Location and extent of any floodways or surface flowpaths.
- Cross sections through storages, orifice pits and tanks as necessary.
- Structural details (including reinforcing where applicable).
- Location and detail of any proposed infiltration trenches.
- A maintenance schedule that clearly and simply sets out the routine maintenance necessary to keep the OSD system working.

Section 68 and/or Section 138 applications must be supported by all hydrological and hydraulic calculations that are required by this DCP. Proposals involving an on-site

detention system must be accompanied by a structural certificate in respect of the design of any structural components of an on-site detention system.

N3. STORMWATER DISCHARGE

N3.1 Element – Lawful Point of Discharge

Element Objective

To ensure that stormwater is discharged from development sites in a manner that minimises both hazards to the public and environmental impacts.

To ensure collected stormwater is discharged to a lawful point.

To minimise impacts on adjoining properties by requiring any stormwater discharges from a development site to be conveyed:

- *To a public drainage system; or*
- *To public land, but only where environmental, public safety, tenure and other criteria can be satisfied.*

Performance Criteria

A lawful point of discharge exists at a particular location, if:

- The location of the discharge is under the lawful control of the Council or other statutory authority from whom permission to discharge has been received; and
- That in discharging in that location, the discharge will not cause an actionable nuisance.

An easement over a downstream property may need to be acquired to direct collected stormwater to a lawful point of discharge. Negotiations with property owners must be undertaken along all feasible easement routes to determine whether an easement can be obtained to provide stormwater system that will drain by gravity to a public drainage system.

Prescriptive Measures

For properties generally at a higher level than the adjoining road, where the site drainage system can be piped under gravity to the road drainage system, then the discharge is to be connected to the street drainage system in accordance with Element N3.2.

For properties generally at a lower level than the adjoining road, where the site drainage system cannot be piped under gravity to the road drainage system, the discharge is to be carried out in accordance with one of the following options, where the requirements of that option can be satisfied:

- Discharge to a public drainage system within the development site in accordance with Element N3.3. This applies only where a Council drainage pipe or channel or a natural watercourse is located within or at the boundary of the development site.
- Private drainage easement across neighbouring properties in accordance with Element N3.4.
- Charged systems in accordance with Element N3.5. This applies only for residential developments up to and including a single dwelling where it can be demonstrated that an easement cannot be obtained and where the roof gutters are sufficiently above the road gutter to permit drainage by sealed system.
- Dispersion trenches in accordance with Element N3.6. This applies only for residential developments up to and including a single dwelling where it can be demonstrated that an easement cannot be obtained.
- Infiltration trenches in accordance with Element N3.7. This applies for all development, except subdivision, where it can be demonstrated that an easement cannot be obtained and where the underlying soil is sandy enough to infiltrate all runoff up to the 50 year ARI storm and where infiltration will not lead to soil contamination of the groundwater.

- Pump-out systems in accordance with Element N3.8. Applies only for basement carpark areas where it can be demonstrated that, if gravity drainage is not possible, an easement cannot be obtained and where the contributing catchment is the driveway ramp only, up to a maximum of 60 m², and pump failure will not cause overflow affecting neighbouring properties or habitable floor areas.

N3.2 Element – Connection to Street Drainage System

Element Objective

To ensure that drainage works carried out on public lands do not cause inconvenience or safety hazards to pedestrian or vehicular traffic.

Performance Criteria

All drainage works carried out on public land or connecting to a public drain (open or piped) must be constructed so that:

- Stormwater flows are controlled to recognised best practice limits.
- Stormwater infrastructure will withstand expected traffic loads.
- Stormwater infrastructure will not impede other uses of public land (eg. access to adjoining properties, other service authority allocations, etc.).

Prescriptive Measures

Stormwater may be discharged to the street kerb and gutter subject to the following requirements:

- Single pipe point discharges may not exceed 30 l/s per 15 m length of kerb. The number of discharge points is to be minimised. Maximum total piped site discharge to the kerb is 60 l/s. These discharges may be increased if a full catchment analysis prepared by a Consulting Engineer is submitted demonstrating that immediately downstream of the proposed discharge point(s) that the width of gutter flow would not exceed the maximum width specified in Council's engineering specifications.
- For standard kerb, one of the following pipe crossings, from boundary line to kerb, are used:
 - o 100 mm diameter sewer grade uPVC pipe(s).
 - o 200mm x 100mm x 6mm thick RHS galvanised.
 - o 150mm x 50mm x 4mm thick RHS galvanised where brick paved footways are proposed.
- Connection to the kerb must be via a suitably manufactured galvanised steel adaptor that matches the kerb profile.
- Pipe connections across the footway to the street gutter are at a maximum of 45 degrees to the kerb.

Stormwater may be discharged to the street piped drainage system subject to the following requirements:

- Connection must be to the pipe obvert and in accordance with Council's engineering specifications.
- The hydraulic grade line of the street pipe during the 5 year ARI event is lower than the property drainage system.

Where there is no kerb or pipe available in the street, then the downstream street drainage system is to be extended by a minimum 375mm diameter rubber ring jointed reinforced concrete pipe to a new grated pit with lintel outside the development site. This will be subject to a design prepared by a Consulting Engineer or Registered Surveyor. Design criteria to be in accordance with Council's engineering specifications.

N3.3 Element – Connection to Public Drainage System within the Development Site

Element Objective

To ensure that drainage works connecting to public systems is permanent and does not have any negative impact on stormwater flows, infrastructure or the environment.

Performance Criteria

All drainage works connecting to a public drain (open or piped) must be constructed so that:

- Stormwater flows within the public drain are not disrupted.
- Stormwater connections are neat and of solid construction.
- Stream bank erosion does not occur.

Prescriptive Measures

Any connection to a Council stormwater channel must be designed so that:

- The design tailwater level for a sealed pipe drainage system is the top of the channel.
- The angle of entry of the pipe is a maximum of 30° (in the horizontal plane) to the direction of flow in the channel.

Any connections to a Council stormwater pipe must be designed so that:

- Connections are to the pipe obvert and in accordance with Council's engineering specifications.
- Connections must be neatly joined using a suitable mortar mix and must not protrude into the main stormwater pipe.
- Standard junction pits are to be constructed for connections exceeding 100mm diameter.

Any connections to a natural watercourse must be designed so that:

- The receiving watercourse has sufficient capacity to cater for the additional flow without adversely affecting upstream or downstream flooding.
- Discharge is at one point only.
- Adequate measures are provided to prevent streambank erosion, scour and other damage for flows up to the 100 years ARI event

N3.4 Element – Easements

Element Objective

To ensure that easements of sufficient width are created when draining across downstream properties.

Performance Criteria

Suitable drainage easements must be created where it is necessary to discharge stormwater across downstream properties to access the public drainage system.

(Note: this includes stormwater surface overflow.)

Easements must have sufficient width having regard to:

- Proposed pipe diameter.
- Structural requirements of pipes and any adjoining structures.
- Stormwater surface flowpath capacity requirements.
- Any maintenance requirements.

Prescriptive Measures

Piped drains within private inter-allotment drainage easements must have a minimum pipe diameter of 150mm or the diameter of the pipe required to carry the 100 year ARI impervious area runoff, whichever is greater. The 100 year ARI requirement can be reduced to 20 year ARI if a long-term overland flow path, such as a paved driveway with

kerbing, is secured over the length of the easement and is of sufficient capacity to carry the major flow.

Where a site is traversed by a drain (under the control of Council) that is not within an easement, a suitable easement must be created in favour of the Council.

Easements in favour of Council must be in accordance with Council's policy. Inter-allotment drainage easements, benefiting private property(s), must be the greater of 1.5 metre wide or of a width that will ensure the pipeline is not impacted upon by the zone of influence of any structures, or of a width necessary to contain the overland flow path. Where the easement is an easement benefiting private property(s) only, the easement is not to be to the benefit of Council.

Where an easement is required to be created a written agreement must be made between all relevant parties agreeing to its creation. Evidence of the written agreement to the creation of the easement is to be submitted with a Development Application. In this case the Council may grant deferred commencement consent subject to easement creation.

N3.5 Element – Charged Systems

Element Objective

To allow an alternate method of drainage for single dwellings.

Performance Criteria

Charged drainage systems may be provided for residential developments up to and including a single dwelling where it can be demonstrated that an easement cannot be obtained and where the roof gutters are sufficiently above the road gutter to permit drainage by a sealed system.

Prescriptive Measures

A charged drainage system for residential developments up to and including a single dwelling must satisfy the following criteria:

- A minimum of 1.5 m head must be available from roof gutter to discharge point.
- The piped system must be completely sealed.
- The pipe system including downpipes must be constructed from suitably durable materials.
- A cleaning eye must be provided at the lowest point of all pipes.
- Gravity drainage to the street kerb can be provided from a stormwater pit suitably located within the development site.
- The system is designed by a Consulting Engineer who undertakes a Hydraulic Grade Line analysis to demonstrate that the system can discharge the 20 year ARI storm runoff without roof gutter surcharge.
- A design plan is prepared by a Consulting Engineer which shows a longitudinal section of the entire piped system from roof gutter to street gutter showing invert levels, flowrates and hydraulic grade lines. Hydraulic grade line calculations are to be shown.

N3.6 Element – Dispersion Trenches

Element Objective

To allow an alternate method of drainage for single dwellings.

Performance Criteria

Dispersion trenches may be provided for residential developments up to and including a single dwelling where it can be demonstrated that an easement cannot be obtained.

The trench must be of adequate volume to disperse stormwater without having a negative impact on adjoining properties or adjacent structures.

Prescriptive Measures

A dispersion trench drainage system for residential developments up to and including a single dwelling must satisfy the following criteria:

- The trench must have a cross-sectional area of at least 600mm x 600mm, with a length of one metre for every 25 m² of roof or surface area drained.
- The trench must be oriented parallel to the ground surface contour.
- The trench must be lined with woven geofabric to prevent silt entering the trench from the base, top and side walls.
- The top of the trench must be covered by woven geofabric with a 150mm overlap beyond the trench walls, on top of which is placed further 40-75mm aggregate.
- The trench must be filled with 40-75 mm aggregate to as near as practicable to the surface.
- Trees covered by Council's Tree Preservation Order must not have their root systems damaged.
- Stormwater must be dispersed by a slotted pipe laid across the full length of the trench at the half-depth level.
- Trenches must be offset at least 2 m from boundaries and 3 m from buildings unless a structural engineer certifies the adequacy of the footings in closer proximity to the trenches.

N3.7 Element – Infiltration Trenches

Element Objective

To allow drainage via infiltration where site conditions are suitable.

Performance Criteria

Infiltration as an urban stormwater management technique must be limited to sites with permeable soils, such as those with a sandy, loamy and gravelly texture. Such soils allow rainfall to percolate rapidly.

Infiltration is unsuitable and can not be used in areas that have a high water table; or where elevated soil moisture levels could cause landslip, shrink-swell or other geotechnical hazards; or on contaminated sites where groundwater contamination and off-site contaminant migration may occur.

The adoption of infiltration techniques is therefore dependent upon a careful analysis of the site's soil conditions.

Infiltration may be suitable as the primary means of discharge of stormwater from a development site. However, even where unsuitable as the primary technique, infiltration may be used to supplement other stormwater management techniques.

Infiltration devices are easily clogged by fine sediment particles, greases, detergents and biological material. Their continued operation is dependent upon preventing such matter from entering the system.

Prescriptive Measures

Site testing must be undertaken, and a report prepared, by a geotechnical engineer in accordance with the following:

- A minimum of two (2) tests are to be made at the location of the proposed infiltration trench(s) and at the invert level of the proposed trench(s).
- Infiltration is to be measured in pre-saturated soil by a double-ring infiltrometer test or equivalent.

- Permeability is to be reported in m/d or cm/s and also in l/s/m² for a mid-depth level of water in the proposed trench.
- The depth to any underlying rock stratum or water table is to be determined if within 2m of the proposed trench invert level.
- Provision of borehole log evaluation of soil types.
- Recommended offset of trench from buildings.
- The likely impact, if any, to neighbouring properties including footings and basement areas.

Infiltration trench design must be undertaken in accordance with the following:

- Designed by a Consulting Engineer with documented experience in stormwater disposal via infiltration.
- The trench system must fully infiltrate the 50 year ARI runoff from all impervious areas for all storm durations without surcharge onto neighbouring properties. The minimum impervious area to be used should be 80% of the total site area to cater for future development.
- Impervious areas include all roofs, paved areas and pools.
- Any proposed additional pervious area must also be included.
- The design method is to be a suitable time-area computer model such as ILSAX or the mass-curve technique in ARR 1987. Such methods can accurately assess adequacy of proposed storage volumes.
- A 20% clogging or siltation factor is to be added to the trench area.
- 40-75 mm gravel can be assumed as being 40% void.
- The base of the trench is to be at least 1.0 m above the underlying watertable or rock stratum if present.
- Trenches are to be offset at least 2 m from boundaries and 3 m from buildings unless a structural engineer certifies the adequacy of the footings in closer to the trenches.
- An upstream siltation and trash arresting pit must be provided.
- The design infiltration area is the area of the base(s) of the trench(s) only and must not include the sides of the proposed trench(s).

N3.8 Element – Pump-out Systems

Element Objective

To provide a means of stormwater discharge for minor areas where gravity drainage is not possible.

Performance Criteria

Pump-out drainage systems must be designed by a Consulting Engineer and must be in accordance with minimum Australian Standards.

Prescriptive Measures

Pump-out drainage systems shall be used for minor areas (60 m² or less) for which gravity drainage is not possible.

Pump-out drainage systems must be designed by a Consulting Engineer to be in accordance with the relevant Australian Standard (currently AS/NZS 3500.3).

Overflow during times of pump failure must not affect neighbouring properties or habitable floor areas.

Noise levels must not affect neighbouring properties above recognised standards.

The Council may impose a requirement to create a Positive Covenant on the title of the property requiring regular maintenance, and reporting to Council, of the pump-out system by a suitable independent practitioner.

N4. SITE DRAINAGE

N4.1 Element – Site Drainage

Element Objective

To ensure that stormwater capture and conveyance within a development site is properly managed through the provision of drainage infrastructure to appropriate capacity and standard.

To ensure that stormwater capture and conveyance within a development site is provided so that stormwater does not constitute a potential hazard or nuisance to persons or property including adjoining property.

Performance Criteria

No performance criteria – refer to prescriptive measures.

Prescriptive Measures

The piped property drainage system is to capture and convey to a lawful point of discharge all stormwater runoff from the following areas of the development site:

- impervious areas including roofs, paved areas and driveways
- areas subject to changes to natural ground level including cut or filled areas
- areas where the natural or pre-development overland flow regime is disrupted to the potential detriment of an adjoining property.

Carrying out of the development must not introduce, impede or divert stormwater runoff in such a manner as to increase the rate or concentration of stormwater flow across a boundary onto adjoining private property. Any proposed flow onto adjoining properties is only permissible where an easement is obtained, where other requirements of this DCP are met and if it can be managed so as to not exceed pre-development flow rates and concentrations.

Piped systems shall meet the minimum pipe diameter, cover and gradient criteria specified in the current relevant Australian Standard. Such systems shall be designed so that any overflows will not pond against, or enter into buildings.

Elements shall be designed to contain within surface drains, gutters or formed flow paths minor storm events of the appropriate average recurrence interval (ARI) specified in the current relevant Australian Standard. Surface drainage systems shall be designed to ensure overflows, in storm events with an ARI of 100 years, do not present a hazard to people or cause significant damage to property.

Design methods, layout, overland flow path, average recurrence interval (ARI), time of concentration, rainfall intensity, runoff coefficients, inlet pits, pipe drains, open drains, and design flows shall be in accordance with the relevant Australian Standard.

The relevant Australian Standard is currently, but not limited to, AS/NZS 3500.3.

N5. ON-SITE STORMWATER DETENTION (OSD)

N5.1 Element – Where is On-site Stormwater Detention (OSD) Required?

Element Objective

To avoid increased incidence of downstream flooding that may be caused by increased stormwater runoff.

Performance Criteria

On-site stormwater detention systems, based on the total roofed and paved areas, must be provided for all development that may cause a negative impact on adjoining properties due to increased peak stormwater flows.

Prescriptive Measures

Development carried out for the following purposes must incorporate an on-site detention system based on the total roofed and paved areas:

- residential (except additions, alterations or single dwelling-houses).
- commercial and industrial (except alterations and additions where the total net increase in hard surface is less than 150 m²).
- schools, hospitals, community services and other institutions (except where total net increase in hard surfaces is less than 150 m²).
- impervious car parks over 150 m².
- tennis and other impervious playing courts over 150 m².

However, an on-site detention system is not required in the following circumstances:

- the site drains directly to a trunk drainage system within the tidal reach of a river or stream
- the site is located within a catchment within which a regional detention structure has been provided for the ultimate development of the catchment.
- where infiltration is used as the means of stormwater discharge from the site in accordance with the requirements of Element N3.7 – Infiltration Trenches.
- where a Consulting Engineer undertakes a detailed analysis of the entire catchment by a time-area model and demonstrates that the provision of detention on the subject property, including consideration of the cumulative affect of detention provision across the catchment, will provide no benefit to any downstream drainage system for all storm frequencies up to 100 year ARI.

N5.2 Element – Siting of On-site Stormwater Detention Systems

Element Objective

To ensure that on-site detention systems are designed and constructed to be compatible with other aspects of site planning.

Performance Criteria

No performance criteria – refer to prescriptive measures.

Prescriptive Measures

On-site stormwater detention storage areas must be located:

- at an appropriate location, generally near the lowest point of the site.
- so as to collect runoff from all roofed and paved areas. A maximum of 15% of the roofed and paved area are permitted to bypass the detention system provided that it is not practicable to drain these areas through the proposed detention system or to relocate the detention system to capture these areas.
- clear of any surface flow path conveying stormwater runoff from adjoining land. If overland flow from adjoining properties will enter the detention system then this flow

should be collected up to the 100 year ARI event and conveyed by suitable means to bypass the detention system. Alternatively the detention system can be enlarged to cater for the additional catchment area.

- as part of the overall development scheme for the site.
- so that pedestrian movements will be clear of the top water level for storms up to the 5 year ARI.
- on common property in the case of development within strata or community title schemes. Below ground storage can be provided under private courtyards provided that the surcharge point from the storage area and the primary means of access for maintenance is clearly provided from common property.
- on each lot in a torrens title development unless drainage easements are provided over the entire shared drainage and detention system up to the full extent of ponding.
- to ensure that no upstream pits have grate levels lower than the detention top water level.
- so that access to the system is readily available and not via any enclosed structures.

N5.3 Element – Storage Volume and Permissible Site Discharge

Element Objective

To ensure that development is compatible with the design capacity of the existing public drainage system, so as not to increase the incidence of downstream flooding.

Performance Criteria

The total post-development 20 year ARI site runoff, for all storm durations, is controlled to be no greater than the pre-development 5 year ARI site runoff

Prescriptive Measures

Stormwater flows, average recurrence interval (ARI), time of concentration, and runoff coefficients shall be in accordance with the relevant Australian Standard. The relevant Australian Standard is currently, but not limited to, AS/NZS 3500.3.

Rainfall intensity shall be in accordance with the following tables.

Byron Bay & Bangalow

Duration	Average Recurrence Interval						
	1	2	5	10	20	50	100
5 min	128	160	190	215	240	260	300
6 min	120	150	180	200	222	250	280
10 min	98	125	150	165	180	210	235
20 min	72	90	110	125	140	155	170
30 min	60	75	90	100	115	130	140
1 hr	40	50	63	70	80	90	100
2 hrs	26	34	42	47	54	62	78
3 hrs	20	26	34	38	43	50	54
6 hrs	12	16	21	24	28	32	34
12 hrs	8	10	14	15	18	21	22
24 hrs	5.5	7.7	9	10.5	12.5	14.5	16
48 hrs	3.5	4.6	6.5	7.5	8.7	10.8	12
72 hrs	2.7	3.6	5.1	6	7.2	9.2	10.5

Ocean Shores, Brunswick Heads & Mullumbimby

Duration	Average Recurrence Interval						
	1	2	5	10	20	50	100
5 min	130	161	200	220	245	285	305
6 min	120	151	186	210	230	270	290
10 min	100	125	155	170	190	225	240
20 min	72	90	115	130	145	170	185
30 min	59	74	94	105	120	140	153
1 hr	40	50	65	75	85	100	110
2 hrs	27	34	44	51	60	70	76
3 hrs	21.5	27	35	40	47	55	60
6 hrs	14	17.5	23	26	30	36	40
12 hrs	9.2	11.7	15.2	17.5	20	24	26
24 hrs	6	7.8	10.3	11.8	13.8	16	18
48 hrs	4	5	6.7	8	9.2	11	13.5
72 hrs	3	3.8	5.3	6.4	7.5	9.2	12.1

Huonbrook, Wilsons Creek & Main Arm

Duration	Average Recurrence Interval						
	1	2	5	10	20	50	100
5 min	121	160	198	220	245	290	320
6 min	115	150	185	208	233	275	300
10 min	93	122	150	170	190	222	250
20 min	68	90	112	127	144	160	185
30 min	55	73	93	105	120	140	155
1 hr	38	50	65	74	85	102	111
2 hrs	23	34	45	53	59	71	79
3 hrs	21.3	27.5	36	42	46.5	57	63
6 hrs	14.7	19	25.5	30	32	40	44
12 hrs	10	13	17	21.7	22.1	28	30.9
24 hrs	7	9	11.7	15	16	20	23
48 hrs	4.8	6.3	8.3	10.4	11.8	14.9	16.7
72 hrs	3.7	5	7	8.5	9.8	12	13.6

Designs are to be prepared by a suitably qualified person with documented experience in hydraulic analysis.

Designs are to be submitted in accordance with the following format and requirements:

On -site Stormwater Detention Design Summary Sheet

Developed Area	=		m ²	(Refer Element N4.1)
Pre Development				
<u>Catchment Areas</u>	(Must be shown on engineering drawings)			
Roof Area (A _r)	=		m ²	(coefficient of runoff, c _r = 1.0)
Paved Area (A _p)	=		m ²	(coefficient of runoff, c _p = 0.9)
Vegetated Area (A _v)	=		m ²	(coefficient of runoff, c _v = 0.66)
Total Area	=		m ²	(Must equal post development area)
<u>Stormwater Flows</u>	(For 5 year storm event)			
Duration	=	5	min	(refer AS/NZS 3500.3:2003)
Rainfall Intensity (⁵ I ₅)	=		mm/hr	(select from above rainfall intensity charts)
Stormwater flow (Q ₅)	=	(A _r c _r + A _p c _p + A _v c _v) x ⁵ I ₅ / 3600		
	=		l/s	
Post Development				
<u>Catchment Areas</u>	(Must be shown on engineering drawings)			
Roof Area (A _r)	=		m ²	(coefficient of runoff, c _r = 1.0)
Paved Area (A _p)	=		m ²	(coefficient of runoff, c _p = 0.9)
Vegetated Area (A _v)	=		m ²	(coefficient of runoff, c _v = 0.73)
Total Area	=		m ²	(Must equal pre development area)
<u>Stormwater Flows</u>	(For 20 year storm event)			
Duration	=	5	min	(refer AS/NZS 3500.3:2003)
Rainfall Intensity (²⁰ I ₅)	=		mm/hr	(select from above rainfall intensity charts)
Stormwater flow (Q ₂₀)	=	(A _r c _r + A _p c _p + A _v c _v) x ²⁰ I ₅ / 3600		
	=		l/s	
Stormwater Detention Requirements				
Storage Volume	=	(Q ₂₀ – Q ₅) x 5 x 60 / 1000		
	=		m ³	
PSD	=		l/s	(Permissible Site Discharge = Q ₅)
<u>Orifice Plate Controlled Discharge</u>	(N/A if using choke pipe)			
Head (H)	=		m	(max. water level to orifice centre)
Orifice Diameter	=	1000 x √ [(0.464 x Q ₅ / 1000) / √ H]		
	=		mm	
Outlet Pipe Diameter	=		mm	(min. 3 x orifice diameter)
<u>Choke Pipe Controlled Discharge</u>	(N/A if using orifice plate)			
<i>Calculate by trial & error using the following formulas</i>				
Q _d (pipe capacity)	=	1000 A _p √ [2 x 9.8 (H/K _t)]		(l/s)
Where,	A _p	=	Cross-sectional area of pipe (m ²)	
	H	=	Head of water (m) from max. water level to tailwater level	
	K _t	=	K _f + K _p	
	K _f	=	L/(50 D)	
	L	=	Length of pipe (m)	
	D	=	Diameter of pipe (m)	
	K _p	=	∑ pipe component head losses	
			(Pipe entry = 0.5, Pipe Exit = 1.0, 45° Bend = 0.35 & 90° Bend = 0.9)	
Storage Provided				
Storage Volume	=		m ³	
A separate sheet is to be attached showing all workings for the storage volumes proposed on the engineering drawings.				

N5.4 Element – Drainage System Design

Element Objective

To ensure that on-site detention systems are designed in accordance with recognised engineering practices.

To ensure that on-site detention systems are designed so as:

- *to be compatible with other aspects of site planning*
- *to minimise the need for maintenance*
- *to reduce the potential for unauthorised modification.*

Performance Criteria

No performance criteria – refer to prescriptive measures.

Prescriptive Measures

Detention tanks

Storage tanks must meet the following design criteria:

- minimum 1% grade on the base of the tank, with the lowest point at the outlet sump.
- no permanent storage of water.
- tank is free draining by gravity to the public drainage system.
- tank levels are such that water cannot flow from the public drainage system into the tank.
- pipework connecting directly to the tank has sufficient hydraulic capacity for the 20 year ARI flow.
- provision of hydrostatic valve in areas subject to high water table.
- provide adequate internal ventilation.
- surface flows are directed to the tank, with suitable provision for their inlet.
- tanks are connected to inlets and outlets in accordance with other requirements of this DCP.
- tanks that are more than 1.2m deep incorporate step irons to enable access.
- access to the tank outlet can be gained by a lockable access grate (minimum opening 600mm x 600mm).
- tanks of clear internal depth less than 0.9m are to be designed to require no internal maintenance. All inlet pipes must enter the tank under the access grate over the tank outlet. Additional grated accesses are required at tank extremities to allow ventilation and remote flushing of the tank floor.
- structural design of the tank is compatible with vehicular, hydraulic, soil and other loadings on the tank.
- provides at least 300mm of soil cover where proposed under landscaped areas.
- excavation influence line does not affect footings of adjacent or neighbouring structures.

Driveways and parking areas

Storage areas located within sealed driveways or parking areas must meet the following design criteria:

- ponding depth is less than 200mm.
- the top level of kerbs or other water-retaining structures is at least 50mm above the level of flow over the spillway.
- inlet and control pits are at least 450mm square.

Landscaped areas

Detention storages incorporated into landscaped areas must satisfy the following criteria:

- the design demonstrates compatibility with the overall site layout and landscaping.
- perimeter ponding depth is not greater than 300mm for at least 1.0 m into the basin. Where perimeter depths are greater than 300mm or where basin depths elsewhere in the basin exceed 1.2m, fencing to recognised pool fencing standards is required.

- Notwithstanding these requirements, in areas subject to high pedestrian usage the Council may require fencing for depths lower than those nominated above.
- the storage incorporates an additional volume of 20% by area and not depth to compensate for vegetation growth and ensure that the design volume is maintained for the life of the structure.
 - Grassed surfaces with a minimum grade on the floor of the storage to the outlet of 2%.
 - batter slopes do not exceed 1V:4H.
 - batter slopes allowing maintenance access do not exceed 1V:6H.
 - at least 0.15m freeboard to the top of the perimeter wall is provided from the spillway invert level.
 - sediment or other debris from adjoining landscaping is prevented from entering the storage area and drainage system.

Freeboard to floor levels

Floor levels of adjacent buildings are to have a freeboard above the top water level of the detention storage in accordance with Table 1.

Building type	Freeboard type	
	Overland flowpaths ⁽¹⁾	On-site detention system top water level ⁽²⁾
Dwelling	0.30m	0.3m
Garage	0.15m	0.15m
Carport	-0.10m	0.0m
Commercial	0.30m	0.3m
Industrial	0.30m	0.3m

⁽¹⁾ Due to surface flows from localised stormwater runoff.

⁽²⁾ Defined as the top of flow over a spillway.

Pipework

Minimum pipe grades and pipe installation within the property, where not otherwise specified, must be in accordance with AS 3500.3.

Control devices and outlets

Hydraulic control devices must be non-removable.

Screens must be fitted to storage outlets so as to meet the following criteria:

- discharge control devices are totally enclosed
- the screen area is a minimum of 450mm x 450mm, or 50 times the area of the orifice outlet, whichever is the greater
- mesh spacing is equivalent to galvanised Lysagts RH 3030 Maximesh
- screens are designed to retain leaf litter and other trash without blocking the outlet
- screens are at least 100mm away from the discharge control device
- screens are easily removable, durable and provided with a handle for cleaning.

A silt trap must be provided underneath the outlet control, unless the site has heavy clay or a watertable above detention invert level, in accordance with the following:

- minimum depth of 200mm below the invert of the orifice or choke pipe.
- minimum surface area of 450mm x 450mm.

- provision of seepage holes (maximum diameter 20mm) in the base slab of the silt trap with blue metal underneath.

A grated outlet is provided to cater for surcharge during major storm events and to provide access for inspections and maintenance of the silt trap and litter screen. The opening has a minimum size of 450mm x 450mm, and is fitted with a removable galvanised steel grate.

Orifice plates are:

- manufactured from minimum 200mm x 200mm flat stainless steel, 3mm thick
- machined to the dimensions as calculated, with edges smooth and sharp (not rounded)
- securely fixed over the outlet pipe by at least four M6 stainless steel masonry anchors
- minimum control diameter 25mm

Water surface level calculations must take account of the effect of downstream controls (including controls that are external to the site).

Where downstream water levels vary depending upon channel flows, calculations utilise either:

- the 100 years ARI level of the external system being connected to; or
- joint probability calculations are performed.

Where an orifice plate is used to control site discharge:

- the on-site detention system is designed so that the conditions at the inlet side of the control device (ie inlet control) govern under all conditions
- the outlet pipe that the orifice discharge is connected to has a capacity of at least 1.5 times that of the permissible site discharge

Where a choke pipe is used to control the site discharge, tailwater levels are as follows:

- for systems draining directly to the street drainage system:
 - the top of kerb level, for connections to the kerb
 - 150mm below the street gutter invert, for connections to street drainage pits or pipes
 - surface level at the point of connection, for connections to footway drainage pipes or pits
- for systems draining directly to an open channel:
 - the top of the channel
- for systems draining to another on-site detention system:
 - the stored water level in the downstream storage
- where there are intermediate surface inlet pits, changes in pipe diameter or known affects by flooding:
 - levels determined by hydraulic grade line analysis in accordance with Australian Rainfall and Runoff.

N5.5 Element – Maintenance of On-site Stormwater Detention Systems

Element Objective

To ensure that on-site detention systems are maintained in accordance with recognised engineering practices.

To ensure that on-site detention systems are maintained regularly to keep the system working

Performance Criteria

A maintenance schedule must be prepared that clearly and simply sets out the operating/maintenance instructions for future property owners and occupiers. Maintenance system must be permanent, fail-safe and not rely on particular individuals.

Prescriptive Measures

A maintenance schedule must be prepared as part of the detailed stormwater management construction plans.

The majority of OSD systems, particularly those where a large proportion of the storage is located above ground, will be able to be maintained by property owners, residents or handymen. Larger underground systems, particularly those with limited access and/or substantial depth, may require the owner to engage commercial cleaning companies with specialised equipment.

The owner must be provided with advice on how frequently the system needs to be inspected and approximately how often it will require cleaning. The frequencies of both inspections and maintenance will be highly dependant on the nature of the development, location of the storage and the occurrence of major storms. Suggested frequencies are:

- Residential
 - inspect system every six months and after heavy rainfall
 - clean system as required, generally at least once a year.
- Commercial/Industrial
 - inspect system every three months and after heavy rainfall.
 - clean system as required. generally at least once every six months.

The maintenance schedule must set out, simply and clearly, the routine maintenance necessary to keep the OSD system working. Some of the issues that must be addressed are:

- where the storages are located.
- which parts of the system need to be accessed for cleaning and how access is obtained.
- a description of any equipment needed (such as keys and lifting devices) and where they can be obtained.
- the location of screens and how they can be removed for cleaning.
- permanent signs to indicate the maintenance requirements.

N5.6 Element – Construction and Final Approval of On-site Stormwater Detention Systems

Element Objective

To ensure that on-site detention systems are constructed in accordance with the approved stormwater management construction plans.

To improve construction standards by supervision of critical stages of construction by the OSD designer.

To minimise delays and additional expenditure on rectification works by ensuring adequate construction supervision.

To increase community acceptance of OSD by eliminating nuisances created by poor construction.

Performance Criteria

Construction supervision is essential in achieving a properly working OSD system. OSD construction is often multi-disciplined with many tradesmen (such as brick layers, landscapers and concrete finishers, who may be unfamiliar with stormwater drainage) being responsible for constructing critical features of the system. OSD systems require closer

attention to set-out and level information than a conventional drainage system. Without adequate supervision during construction, expensive and time consuming rectification works are often necessary. Upon completion of system and prior to the occupation the OSD designer must issue a Certificate of Compliance to the Principal Certifying Authority.

Work-as-Executed (WAE) plans must be submitted with a Certificate of Compliance from the designer. A registered surveyor or the OSD designer must prepare the WAE plans. It is important that the WAE plans provide the OSD designer with sufficient information to certify that the as-constructed system will function in accordance with the approved design.

Prescriptive Measures

Certificates of Compliance

Certificates of Compliance must confirm that the drainage and on-site stormwater detention (OSD) works have been carried out in accordance with the approved design. To avoid delays in obtaining certification, developers and builders are encouraged to have the OSD designer supervise the construction of these systems. Defects are expensive to repair once the development is completed.

Certificates of Compliance are to be attached to the Work-As-Executed plans and submitted to the Principal Certifying Authority prior to the issue of Subdivision Certificates, Certificates of Occupation and/or Final Approval. A separate structural certification will be required for any structural elements. The Certificate of Compliance must:

- state that the system will function in accordance with the approved designs, subject to satisfactory maintenance.
- identify any variations from the approved design.
- state that these variations will not impair the performance of the OSD system.

Alternatively, where variations are identified that impair the performance of the OSD system, the OSD designer must complete an Outstanding Works form. This form lists the variations from the approved design and the required remedial works. Where significant remedial works are necessary, discussions should be held with the relevant Council officers and arrangements made to have these works carried out prior to the issue of a Certificate of Compliance by the OSD designer.

The Certificate of Compliance is the principal means by which adequate construction standards are ensured and certification needs to be conducted in a professional manner. Whilst the Certificate will be based on the work-as-executed plans, the OSD designer will need to inspect the site to check critical design features.

Some of the important considerations to be addressed when certifying compliance are:

1. Discharge Control Pits

- a plate with a sharp-edged orifice of the correct diameter and the specified material has been securely fitted.
- the discharge control pit dimensions satisfy minimum parameters, eg. width, design head, and clearance from screen.
- the orifice is screened and the screen is properly fixed, located and able to be removed for cleaning.
- outlet pipes from the discharge control pit are the correct size, level and grade to ensure there is free discharge through the orifice.
- the levels of the top water surface, storage invert and discharge control pit are such that the design discharge from the storage is achieved
- where the design assumes 'high early discharge', run-off from sufficient areas of the site is directed to the discharge control pit to ensure that the design permissible site discharge is achieved soon after the commencement of heavy rainfall

- the flap valve, if specified, is fitted correctly.
2. Storage
 - actual storage volumes achieved are adequate.
 - the actual top water surface level of the basin will not cause either unintended surcharge of the internal drainage system or inundation of/or inadequate freeboards to finished floor levels.
 - the base of the storage is well graded and drains to the discharge control pit.
 - spillways and overflows paths are the correct level and free from obstructions.
 3. Internal drainage
 - site gradings are correct.
 - the internal drainage lines are of a sufficient size, level and grade to convey flows to the storage.
 - if a blockage occurs or the internal drainage lines cannot convey all run-off in a 100 year rainfall event, the site is graded to direct surcharging flows to the storages.
 - storages cannot be by-passed by overflows from the internal drainage system or by overflows from any surface area designed to drain to the storages.
 - flowpaths designed to divert upstream flows around the basin have been properly constructed and will function as designed.
 - workmanship is adequate to prevent long-term failure of the system.
 4. Freeboards
 - the levels of structures (such as garages, factories, offices and dwellings) are sufficiently above the as-constructed maximum water surface levels in the storage and flowpaths.
 - an emergency spillway or overflow path is provided to ensure that surcharge of the drainage system and storage (even in the event of an extreme storm or accidental blockage of pits, pipes etc.) will not cause stormwater to enter buildings where significant damage would occur.

Standard Certificate of Compliance Form and Outstanding Works Form are included at the end of this Section of the DCP.

Structural Certification

Due to loadings, certain on-site stormwater detention storage components may require specific structural certification for design and construction. The following list is typical but not exhaustive:

1. Free standing walls
These are subject to hydrostatic loads when a storage is full or filling. The significance will depend on the maximum ponding depth.
2. Retaining walls
In addition to the normal earth and hydrostatic loadings, it may be necessary to consider the possibility of saturated sub-soil conditions.
3. Underground storages
These may be subject to a combination of earth pressures, hydrostatic loadings, traffic loadings and buoyancy forces.

Work As Executed Plans (WAE)

WAE plans must provide the OSD designer with sufficient information to certify that the as-constructed system will function in accordance with the approved design. The following

information must be included on the WAE plans, however in some projects there will be site-specific features, which may require additional details:

1. Discharge Control Pit
 - internal pit dimensions
 - the diameter of the orifice plate or control device.
 - verification that a screen has been fitted, as well as its location, dimensions and the minimum distance from the control device.
 - verification that an appropriate flap valve has been fitted (if specified).
 - levels on the top and invert of the pit.
 - internal diameter of the outlet pipe.

2. Storage
 - type of storage -roof, above ground, below ground or combination.
 - calculations of the actual volume achieved for each storage.
 - level and location of any overflow structures (eg. spillways, weirs).
 - sufficient levels and dimensions to verify storage volumes.

3. Internal drainage
 - pit surface levels.
 - invert levels and diameters of pipes.
 - location and levels of any floodways and/or overland flowpaths.
 - sufficient spot levels to show site gradings and extent of areas not draining to the storage(s).

4. Freeboards
 - The finished floor levels of structures, such as garages and dwellings, are to be shown to ensure they are sufficiently above the maximum storage water surface levels and overland flowpaths.

Construction Tolerances

Because of the importance of OSD systems in protecting downstream areas from flooding, every effort should be made to avoid, or at least to minimise, construction errors. Whilst an OSD system with slightly less than the specified storage volume will mitigate flooding in most storm events, it will not be fully effective in a major storm. For this reason, the design should allow for a potential reduction in the storage volume due to common post-construction activities such as landscaping, top dressing and garden furniture.

Notwithstanding this, it is recognised that achieving precise levels and dimensions may not always be possible in practice. It is therefore considered that an OSD system could be certified as meeting the design intent where the storage volume is at least 90% of the specified volume and the design discharge is within plus or minus 5% of the PSD.

**ON-SITE STORMWATER DETENTION SYSTEM
CERTIFICATE OF HYDRAULIC/HYDROLOGICAL COMPLIANCE
BYRON SHIRE COUNCIL**

DA No:

S68 No:

Project:

Location:

.....

.....

Designed by:

Construction certified by:

Qualifications:.....

Telephone:

1.0 WORKS CONSTRUCTED IN ACCORDANCE WITH DESIGN.

I _____ of _____ (professional engineer/registered surveyor being competent to practice in the field of stormwater drainage design) have inspected the above on-site stormwater detention system and certify that the works have been constructed in accordance with the approved design details for the above mentioned project.

Signature: _____ Date: _____
(Delete if not applicable)

2.0 CONSTRUCTION VARIATIONS NOT AFFECTING DESIGN PERFORMANCE.

I _____ of _____ (professional engineer/registered surveyor being competent to practice in the field of stormwater drainage design) have inspected the above on- site stormwater detention system and certify that the works have been constructed in accordance with the approved design details for the above mentioned project, except for the variations listed below which do not affect the performance of the system, subject to satisfactory maintenance.

Variations:

Signature: _____ Date: _____
(Delete if not applicable)

ON-SITE STORMWATER DETENTION SYSTEM
LIST OF OUTSTANDING WORKS
BYRON SHIRE COUNCIL

DA No:

S68 No:

Project:

Location:

.....

.....

Designed by:

Construction certified by:

Qualifications:.....

Telephone:

CONSTRUCTION VARIATIONS AFFECTING DESIGN PERFORMANCE.

I _____ of _____ (professional engineer/registered surveyor being competent to practice in the field of stormwater drainage design) have inspected the above on-site stormwater detention system and the following variations to the approved design. The listed remedial works will be necessary to make the system function according to the approved design.

VARIATION	REMEDIAL WORK NECESSARY

Signature: _____ Date: _____

N6. EROSION AND SEDIMENT CONTROL

N6.1 Element – Erosion and Sediment Control

Element Objective

To ensure that building and construction activities do not have a negative impact on waterways.

To ensure that sediment and waste materials derived from construction sites do not cause blocked stormwater pipes, silted streams, poor water quality, degraded aquatic communities.

Performance Criteria

Any development involving earthworks or soil surface disturbance must:

- manage environmental and public safety risks during construction work;
- control erosion, stabilise exposed soil surfaces and divert stormwater away from exposed soil surfaces;
- intercept, detain and remove water-borne pollutants prior to the discharge of stormwater from the site;
- minimise exposure and disturbance of sensitive soil materials, such as sodic soils, saline soils and acid sulfate soils; and
- prevent damage to stormwater devices installed prior to site works, including swales, infiltration devices, filtration and bio-retention devices.

Prescriptive Measures

Plan Preparation

An erosion and sediment control plan is required where the area of soil surface disturbance is in the range 250m² – 2 500m², or is less than 250m² but the site has a slope exceeding 18 degrees or immediately adjoins a watercourse.

A soil and water management plan is required where the area of soil surface disturbance exceeds 2 500m². Sites of this scale typically require sediment retention basins to minimise sediment pollution.

Plans must be prepared in accordance with “Managing Urban Stormwater: Soils and Construction” (Landcom, Sydney, 2003). An approval must be obtained for the plan from Council, under Section 68 of the Local Government 1993, prior to issue of a Construction Certificate.

Installation

Erosion and sediment controls are to be in place in accordance with the approved plan prior to commencement of construction works. Where there is soil disturbance and no plan is required by the above requirements, erosion and sediment controls are to be in place in accordance with Council’s “Guidelines for Erosion & Sediment Control on Building Sites” (a copy can be downloaded from Council’s website at www.byron.nsw.gov.au).

Particular attention is to be given to the provision of the following measures:

- establish a single stabilised entry/ exit point;
- divert up-slope water around the work site and stabilise channels;
- install sediment fence(s) along the low side of the site;
- clear land only where necessary (fence off uncleared areas);
- place sediment controls around stockpiles;
- install temporary downpipes immediately after the roof has been erected;
- stabilise exposed earth;
- security fencing must be installed to exclude the public from the site;
- temporary fencing must be installed to protect stormwater devices from damage by

- vehicles, earthmoving equipment, building materials, stockpiles and waste; and
- appropriate warning signs should be displayed on all protected devices.

Maintenance

Regular maintenance on the erosion and sediment control measures must be undertaken to:

- remove collected sediment;
- stabilise entrance ways;
- repair erosion in drainage channels;
- sweep up sediment from roadways and gutters; and
- ensure operability of pollution controls.

The erosion and sediment control measures must also be checked after heavy rain.

Finalisation

The site must be fully stabilised before erosion and sediment controls are removed.

N7. STORMWATER QUALITY CONTROL

N7.1 Element – Stormwater Quality Control

Element Objective

To minimise the impact of new development (including redevelopment) upon receiving waterways and areas of urban bushland.

Performance Criteria

Water quality from development sites must be improved by capturing and treating stormwater flows during regular rainfall events to meet the requirements of the adopted Byron Shire Stormwater Management Plan.

Prescriptive Measures

The “key” pollutants to be addressed from new development (including redevelopment) are to be in accordance with the following table.

Development Type	Litter	Coarse Sediment	Fine Particles	Total Phosphorous	Total Nitrogen	Hydrocarbons, motor fuels, oils & grease
Low Density Residential	Y	N	N	Y	Y	N
Medium Density Residential	Y	Y	Y	Y	Y	?
Commercial, Shopping & Retail Outlets	Y	Y	Y	N	N	N
Industrial	Y	Y	Y	?	?	Y
Car Parks, Service Stations & Wash Bays	Y	Y	Y	N	?	Y

Y - Key pollutant, needs to be addressed.

? - Variable, requires site specific assessment.

N - Not significant

(Source: Byron Shire Urban Stormwater Management Plan)

Subdivisions and developments involving an area greater than 2,500m² must provide measures to address the “key” pollutants in accordance with the following table for all stormwater flows up to 25% of the 1 year ARI peak flow from the development site.

Pollutant / Issue	Retention Criteria
Litter	70% of average annual load greater than 5mm.
Coarse Sediment	80% of average annual load for particles 0.5mm or less.
Fine Particles	50% of average annual load for particles 0.1mm or less.
Total Phosphorous	45% of average annual load.
Total Nitrogen	45% of average annual load.
Hydrocarbons, motor fuels, oils & grease	90% of average annual load.

Runoff from both roofs and paved areas needs to be treated. Significant water quality improvements can be achieved by configuring a sequence of treatment measures (a ‘treatment train’). Measures may include roofwater tanks, infiltration devices, filtration & bio-

retention devices, porous paving, grassed swales, better landscape practices, ponds & wetlands and stormwater tanks. The suitability of treatment measures will depend largely on site conditions. For example, Infiltration devices are not suitable in areas with heavy clay soils.

Chapter 4:

Lot 3 DP 598368

Lot 4 DP 738155

Friday Hut Road

Coorabell

Document History

Doc No.	Date Amended	Details Comments eg Resolution No.
#190297		Effective 9 August 1988
#190297	14 October 2010	Res 10-696 - to create Draft DCP 2010 for public exhibition
#1017390		Draft DCP 2010 Chapter 4
#1068358	14 March 2011	Res 11-169: Format changes applied

1. Introduction

This chapter makes provision for the subdivision of lands partly within 1(a) – General Rural and 1(c1) – Small Holdings zones as shown on the accompanying map.

2. Citation

This plan, which may be cited as “Byron Shire Development Control Plan 2010 Chapter No.4”, constitutes a development control plan as provided for by Section 74C of the Environmental Planning and Assessment Act, 1979.

3. Commencement date

This chapter was first made effective on 9 August 1988 being the date on which it was formally adopted by Council.

4. Application

This chapter shall apply from the commencement date to all development consents and building approvals relating to the land shown on the map accompanying this chapter, consisting of Lot 4, DP 738155 and Lot 3, DP 598368, subject to the provisions of Byron Local Environmental Plan 1988.

5. Objectives

- 5.1 To ensure that subdivision of the subject lands provides small rural holdings in an environmentally acceptable manner which maintains the rural character of the area.
- 5.2 To determine the most appropriate access and road system for the subdivision.
- 5.3 To protect existing vegetation.
- 5.4 To provide for appropriate landscape treatment for climatic and visual purposes.
- 5.5 To minimise the impact of development on the natural drainage system.

6. Adjustment of zone boundary

The boundary between 1(a) – General rural and 1(c1) – Small Holdings zones will be adjusted to better reflect the site’s topography and the appropriate use of land within those zones, in accordance with S.42(1)(b) of the Byron Local Environmental Plan 1988. The revised position of the zone boundary is shown on the accompanying map.

7. Allotment sizes

- 7.1 The minimum lot size within zone 1(c1) and the average area of all lots created within that zone shall be not less than those provided by the Byron Local Environmental Plan 1988.
- 7.2 That part of the land within zone 1(a) shall be incorporated within one of the lots to be subdivided within zone 1(c) so that a suitable dwelling site is available on land within the 1(c1) zone.

8. Vegetation

All existing trees shall be maintained to the maximum extent and where appropriate road reserves shall be designed to incorporate existing trees. Landscape plans for road reserve areas and management plans to protect subtropical rainforest areas shall be provided and approved prior to any work commencing on the site.

9. Access and road system

- 9.1 The road system within the subject lands and the intersection with Friday Hut Road shall be in accordance with the schematic layout shown on the accompanying map and shall be subject to the approval of the Executive Manager, Community Infrastructure Division.
- 9.2 The road reserve between the two existing lots shall be maintained as existing.

10. Public access to river

Pedestrian access to the junction of Coorabell Creek and Wilson's River shall be provided by right-of-way in accordance with the schematic layout on the accompanying map and shall be subject to the approval of the Executive Manager, Community Infrastructure Division.

11. Sewerage

The applicant shall establish to Council's satisfaction the capability of each allotment for treatment of sewerage and disposal of effluent by septic tank or other means at the time of lodging development applications.

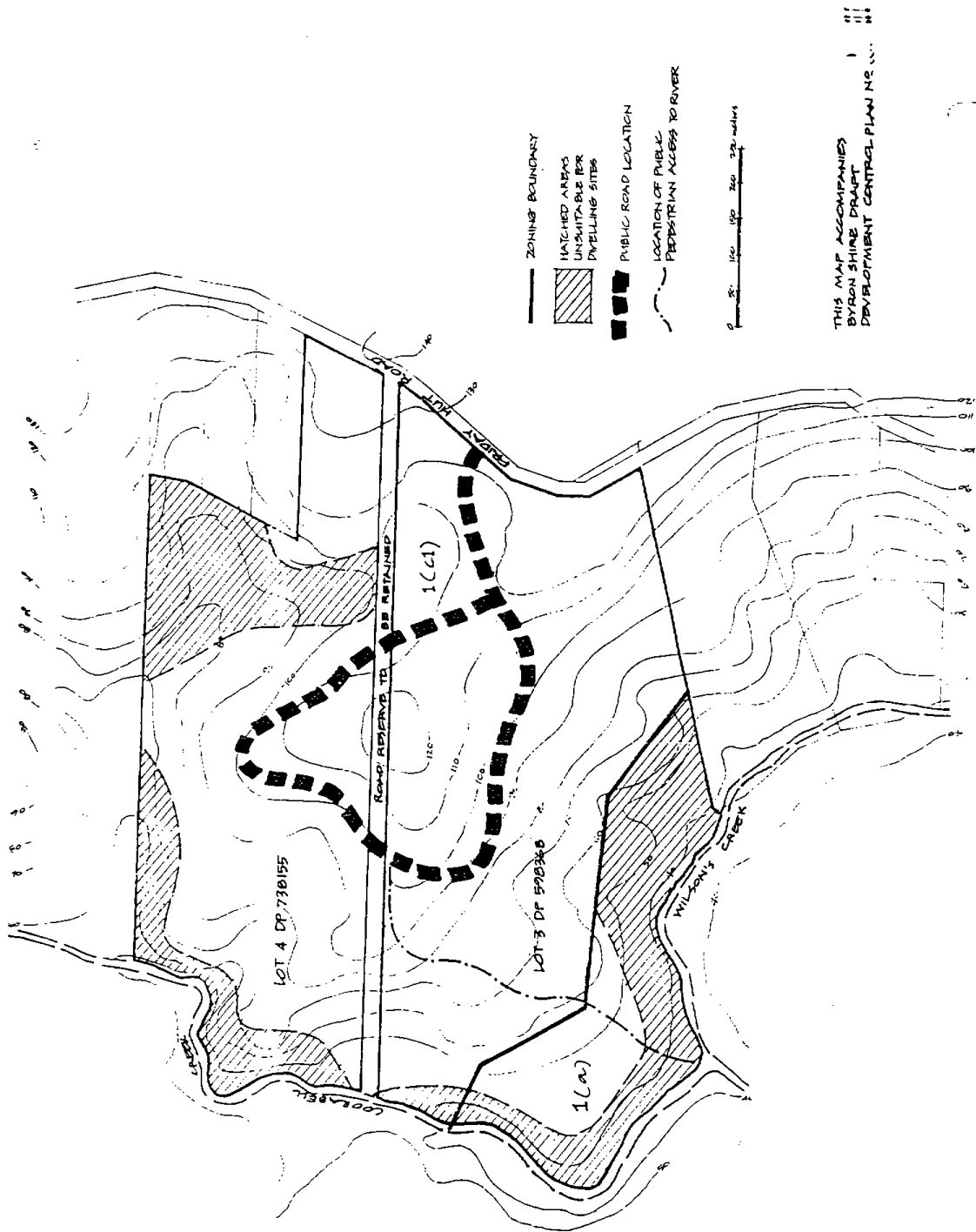
12. Contributions

- 12.1 The subdivision of the subject lands will generate an increased demand for the following services and contributions will be required accordingly:
- (a) Upgrading of local road
 - (b) Local level community facilities
 - (c) town level community facilities
 - (d) embellishment of parks and reserves
- 12.2 The rate of contributions will be as determined by Council from time to time and applied to each application for development on the land to which this chapter relates.

13. Building envelopes

- 13.1 Where buildings are proposed to be located within the building envelopes defined below, building approval only shall be required. Building is not prohibited outside the defined building envelopes but development consent shall be required for any building so proposed.
- 13.2 For the purposes of Clause 13.1, the approved building envelopes shall consist of those areas of land which:
- (a) are outside the areas shown hatched on the map described as unsuitable for dwelling sites;
 - (b) do not form part of existing drainage gullies;

- (c) are located a minimum of 15 metres from Friday Hut Road or any public road within the subdivision;
- (d) are located a minimum of 10 metres from any lot boundary other than a road frontage;
- (e) Which are located a minimum of 10 metres from any public right-of-way within the subdivision.



Chapter 6:

Bayside Brunswick Estate

Document History

Doc No.	Date Amended	Details Comments eg Resolution No.
#192360		Effective 25 August 1992
#192360	14 October 2010	Res 10-696 - to create Draft DCP 2010 for public exhibition
#1017407		Draft DCP 2010 Chapter 6 (public exhibition copy)
#1068797	14 March 2011	Adopted Res 11-169 : format changes applied S94 provisions deleted

CHAPTER 6 – BAYSIDE BRUNSWICK ESTATE

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Section 1 Introduction

1.1 Citation

This plan may be cited as “Byron Shire Development Control Plan 2010 Chapter No.6 – Bayside Brunswick Estate”.

1.2 Commencement date

This chapter was first made effective on 25 August 1992.

1.3 Application

This chapter applies to the whole of the land shown edged in heavy line on Map 1 at the end of this chapter.

1.4 Authority

This chapter has been prepared and amended pursuant to section 74C of the Environmental Planning and Assessment Act 1979.

1.5 Relationship to statutory planning instruments

The chapter must be read in relation to the Byron LEP 1988, as amended, and other regional and state environmental planning instruments applying to the land. Statutory planning instruments prevail over this chapter in respect to any inconsistency.

1.6 Relationship to other DCPs and specific Council policy

This chapter outlines the site-specific planning controls applicable to the development and use of land at the Bayside Brunswick Estate. The chapter prevails over other general DCP chapters or Council policy documents only to the extent specified in clause 2. This Chapter should be applied in conjunction with the provisions of Chapter No.1, which specifies Council’s objectives and guidelines for particular forms of development, including Subdivision (Part B), Residential Development (Part C) and Landscaping (Part H).

1.7 Objectives

The objectives of this Chapter are as follows:

- To facilitate and provide guidelines for the development of the Bayside Brunswick Estate consistent with the provisions of the Byron LEP 1988.
- To promote innovative residential and subdivision development of a high design quality and a variety of housing types, maximising the retention of environmental quality and utilisation of the land.
- To encourage medium density residential development through group dwellings, etc., in an appropriate location to take advantage of the natural setting of the land and reduce the land cost component of housing in the Brunswick Heads locality.
- To identify in stages the type and density of development of the land in order to meet resident and developer expectations as to the future character of each neighbourhood or stage.
- To efficiently utilise the level topography and local services to provide a variety of residential accommodation suitable to meet the requirements of the aged, e.g. serviced apartments,

garden villas, hostels, nursing home, retirement village, mobile home park, etc.

- To establish a movement system, by a hierarchy of roads, bikeways and walkways, which recognises the topography and maximises access to open space and shopping/community facilities for residents.
- To provide an adequate flow of stormwater along drainage lines, integrated and developed in conjunction with the open space and walkway network, and ensuring the maintenance of water quality and control of saltation and pollution in Simpsons Creek.
- To protect and preserve any attractive or significant feature of the environment.
- To facilitate the future provision of a controlled pedestrian access into the Tyagarah Nature Reserve and thence to the beach by way of delineating the eastern approach point for a footbridge.

Section 2 Development Standards

2.1 Introduction to Development guidelines

The guidelines in this section generally appear under 2 headings:

Performance Standard	Specific Control
<p>A description of requirements to satisfy particular site planning considerations. In each instance the performance standards are stated with the obligation upon the applicant to demonstrate compliance with the planning principle. If the applicant is unable or unwilling to demonstrate that the proposal meets the performance standard, the "specific control: shall apply.</p>	<p>A numerical standard explanatory drawing or standard of workmanship to the satisfaction of a nominated officer of the Council. Such controls shall be strictly adhered to in the absence of satisfactory compliance with a performance standard.</p>

2.2 Areas of nature conservation significance

Performance standard	Specific control
<p>Retain and protect significant features of natural environmental significance. In particular, the applicant shall demonstrate that the stands of significant vegetation shown on Map 1 will not be degraded, In both the long and short term, as a consequence of development activity.</p>	<ul style="list-style-type: none"> • Areas of very significant vegetation identified on Map 1 shall be preserved in any development of the site. Such vegetation shall have a 35 metre protection buffer and drainage patterns shall not be altered in the vicinity of such vegetation. • The 7(a) and 7(b) areas should be retained as common property within the community/neighbourhood or precinct plan or strata plan of Residential 2(a) land development to the west. • For all significant vegetation and habitat areas within zones 7(a) and 7(b), a plan of management shall be prepared and submitted for consideration in any development application involving subdivision or residential buildings on Residential 2(a) land immediately to the west of and adjoining any 7(a) or 7(b) zoned land. Such plan of management should include: <ul style="list-style-type: none"> i) pedestrian access arrangements and control of domestic animal intrusion; ii) location of facilities such as seating, fencing; and iii) bush fire hazard reduction and radiation zones with a 20 metre minimum setback to any building and

	land within 10 metres of the existing dense vegetation to common private land with maintenance of access for fire fighting vehicles and personnel
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2.3 Estate amenity

Performance Standard	Specific control
<p>Retain and protect, as is reasonably possible, all larger trees located within the body of the site for the purpose of retaining the general character of Brunswick Heads' local landscape, identifying and enhancing the residential amenity of the estate generally. Structural mass landscaping should also be implemented immediately upon completion of site development construction activity.</p>	<ul style="list-style-type: none"> • Prior to construction activity beginning for any stage, all existing trees having a girth circumference of 400 mm or greater (measured at waist height) shall be tagged and numbered. • Council's Planning Manager shall, after on-site inspection in the company of the developer (or agent), determine those trees to be retained. • The developer shall lodge with Council, at the time of the submission of civil engineering plans for each stage, a structural landscape plan providing for the provision of site planting at the minimum rate of 4 trees/lot. Species shall be drawn preliminarily from those marked by a '*' symbol in the appendix to this chapter.

2.4 Local open space

Performance standard	Specific control
<p>Active open space for children's playing areas and community sporting facilities of meaningful proportions shall be provided within easy walking distance of residential areas.</p> <p>Passive open space shall be defined throughout the estate primarily in the form of a dual use open space/drainage and bikeway corridor, to enhance the residential amenity of the estate.</p>	<ul style="list-style-type: none"> • Open space shall be provided generally in accordance with the concept illustrated in Map 1. The provision of possible public open space shall not be in less than 2.5 ha/1,000 persons. This calculation may include part of the land designated for dual use drainage or utility service purposes provided that such land is: <ol style="list-style-type: none"> I. Above the wet invert, paved channel or ponds; II. Has a minimum gradient of 1:6; and III. Has a minimum width of 30 metres, and is accessible. • The design of the drainage corridor system shall incorporate the meandering of the concrete paving

	<p>and channel within the reserve with some use of trees and shrubs within largely mowable areas to introduce a more natural look.</p> <ul style="list-style-type: none"> • Active or structured open space is to be provided at the rate of 0.5 ha/1,000 persons or contribution in lieu towards the cost of providing active or structured open space. • Ownership and management of the 7(a) or 7(b) land to be organised with adjoining land ownership parcels as common land via Community titles/Strata Titles Act common property. Council will not accept as a “specific control” land zoned 7(a) or 7(b) for the calculation of open space. Council will consider long term care, control and management of some sections of 7(a) or 7(b) land adjacent to drainage systems to enable limited public walkway access to Simpsons Creek.
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2.5 *Roading and movement systems*

Performance Standard	Specific Control
<p>(a) Roads within the site shall:</p> <ul style="list-style-type: none"> • Be sited and designed to be efficient and practical having regard to the principle specific in Chapter No 1 Part B – subdivision, and the Australian Model Code for Residential Development. • Be restricted to the existing single access point (Bayside Way) to the Pacific Highway. • Provide for the “relocation” of the existing Crown road traversing the site. • Provide for future road access to adjoining land to south and west, and to a potential parking area close to preferred site for a footway bridge across Simpsons Creek to Tyagarah Nature Reserve. <p>(b) Pedestrian Movement shall:</p> <ul style="list-style-type: none"> • Provide easy walking access within 	<ul style="list-style-type: none"> • The primary estate roading and pedestrian movement routes shall be provided generally in accordance with Map 1. The final alignment of the routes being subject to the completion of engineering drawings to the satisfaction of Council’s Planning Manager in consultation with Council’s Engineering Services Manager. • A 40 kph minimum design speed is acceptable for the local access roads and 50 kph minimum design speed for the collector road (main loop road and extension to Bayside Way).

and external to the site whilst minimising conflict with motor vehicle traffic, primarily by utilising the dual use open space/drainage corridor	
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2.6 Residential Density and Integration

Performance Standard	Specific Control
<p>Site development shall be carried out in a manner which provides for innovative and traditional development forms (eg house site subdivision and medium density development) and higher yield style development eg Australian Model Code for residential Development or Community Titles Development Act integrated/cluster housing.</p>	<ul style="list-style-type: none"> • The preferred broad development type is shown on Map 1, with medium density housing closer to the preferred site of the neighbourhood shops and integrated community subdivision adjacent to the vegetated areas zoned 7(a) and 7(b) located on the eastern side of the area. • Generally, at least 10% of dwelling-house subdivision lots should have an area of less than 450 square metres (refer clause B5.3 of Chapter No 1 Part B – Subdivision), and at least 10% of the area of the residential component of the estate should be allocated for medium density housing.

2.7 Neighbourhood Shopping and Community Facilities

Performance Standard	Specific Control
<p>Provision of neighbour retail facilities of a size and variety, and in location appropriate to the demographic profile of estate residents; and to complement the Brunswick Heads CBD as the principle commercial for the locality.</p> <p>The architectural design of any shopping facility should provide for an estate “meeting place” as a partially or fully covered plaza or the like within the development.</p>	<ul style="list-style-type: none"> • Provision shall be made within the overall development of the estate for retail facilities located generally in the location shown on Map 1. • No non-residential facilities specified in Schedule 3 of the Byron LEP 1988 to be located outside this neighbour shopping centre. • In development of site concept planning, the developer shall have regard to the following land use budget in respect to retail facilities: <ul style="list-style-type: none"> 1,250m² – Retail and related non-residential space. 180m² – Grossing (+ 15%) 1,500m² – Carparking (50 spaces x 30m²) 730m² – Public space (35%) 3,666m² – Site area • Provision shall be made for an open plaza within any architectural design adopted for the retail facility; Such shall have a minimum of 50 % covered protection from the elements. • Provision shall be made for community facilities by way of contribution towards the cost of augmenting/providing facilities in Brunswick Heads and/or at Bayside Brunswick in accordance with the section 94 contributions plan applicable in the area.

2.8 Nature Reserve Access

Performance Standard

A pedestrian access by the way of a future footbridge and walkway into and across the northern end of the Tyagarah Nature Reserve is a desirable amenity enabling controlled pedestrian access to the beach integrated with the design of the road/walkway/open space and residential subdivision development on the eastern part in the DCP area, and enabling such facility to be constructed at no cost to the public

The preferred access point is as shown on Map 1 and is subject to approval and lease by the National Parks and Wildlife Service.

The preferred footbridge access point is to be included within the common area of a significant integrated Community Titles or Strata Titles Act Development to the west and to be subject to public right of access.

2.9 Stormwater Drainage and Utility Services

Performance Standard	Specific Control
<p>Provision of an integrated corridor system of open space, trunk drainage's, bikeways/walkways and utilities as appropriate is sought in the locations shown on Map 1.</p>	<ul style="list-style-type: none"> • Drainage system to be designed with swills approximately 20 metres wide providing for overload flow for 1% flood, with low-flow drainage design may be acceptable to Council provided that Council is satisfied that the system minimises silt build-up and maintenance, and maximising hydraulic performance. Engineering and landscape plan details for the dual use drainage/open space corridors 30 metres wide are incorporate batters of a minimum 1:6 slope, some meandering of the invert and the channel within the corridor, and include details as to edge treatment, water quality (sediment, nutrient and pollutant reduction measures), walkways/bikeway and judicious planting of trees within the corridor. • Drainage system design should not involve disturbance of any areas of 7(a) or 7(b) zoned land which have not suffered recent clearing or disturbance as at July 1991. • Water supply and sewer – PWD design standards.

2.10 LEP Provisions

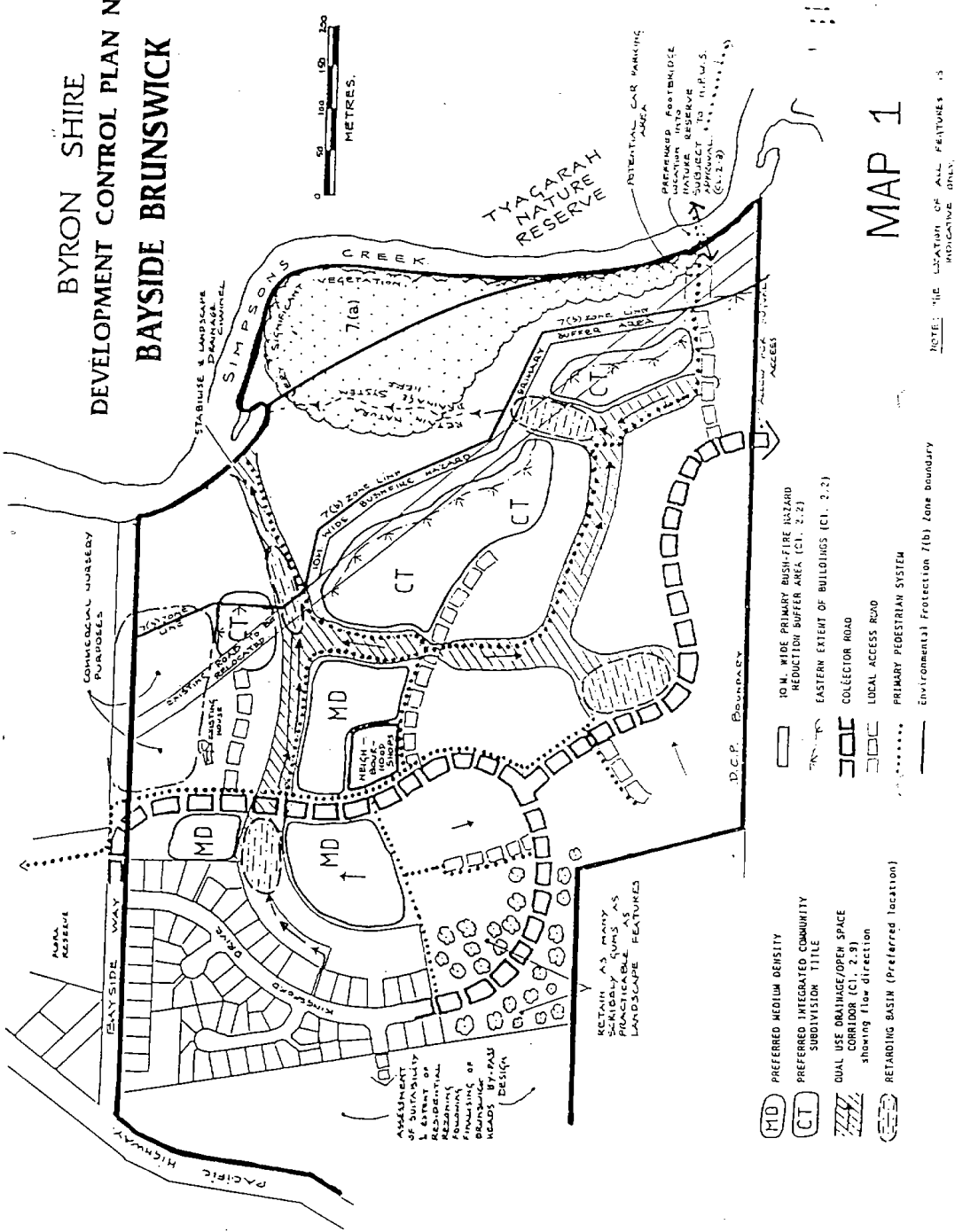
This chapter is deemed to satisfy the provisions of clause 14(2)(b) regarding consultation with Council and the written notification by Council of requirements in respect to the preparation of an environmental impact statement.

Appendix 1

Plant species suitable for site landscaping

Trees	Scribbly Gum	Eucalyptus signata
	Blueberry Ash	Elaocarpus reticulatus
	Macaranga	Macaranga tanarius
	Cottonwood	Hibiscus tiliaceus
	Black She Oak	Allocasuarina littoralis
	Old man Banksia	Banksia integrifolia
	Pink Euodia	Euodia Elleryana
	Callicoma	Callicoma Serratifolia
	Blue Lilly Pilly	Syzygium oleosum
	Ribery	Syzygium leuhmanii
	Scentsless Rosewood	Synoum glandulosum
	Willow Bottlebrush	Callistemon Saligius
	Tuckeroo	Cupaniopsis Anacardioides
	Coast Acronychia	Acronychia Imperforata
Shrubs	Midyim	Austromyrtus Dulcis
	Lemon Scented Baeckea	Baeckea Citriodora
	Scented Wattle	Acacia Suaveolens
	Large-leaved Banksia	Banksia Robur
	Heath Banksia	Banksia Ericfolia
	Rusty Banksia	Banksia Oblongifolia
	Heath Aotus	Aotus Ericoides
	Honey Myrtle	Homoranthus Vigatus
	Hovea	Hovea Acutifolia
	Tea Trees	Leptospermum whitei
		Leptospermum Juniperinum
	Crinkle Bush	Lomaitia Silaiifolia
	Golden Shaggy Pea	Oxylobium Robustum
	Glass Trees	Xanthorrhoea Resinosa
	Xanthorrhoea Johnsonii	
Ground Covers	Guinea Flowers	Hibbertia
	Mat Rush	H.Dentata
	Flax Lily	Dianella Caerulea
		Dianella revoluta
	Dusky Coral Pea	Kennedia Rubicunda
	Feather Plant	Restio Tetraphyllus
	Blue Dampiera	Dampiera Stricta
	Snake Vine	Stephania Japonica
	Hawkesbury Daisy	Brachycome Multilida
	Wonga Vine	Pandorea Pandorana
	Native Ginger	Alpinia Caerulea

BYRON SHIRE DEVELOPMENT CONTROL PLAN NO.6 BAYSIDE BRUNSWICK



Chapter 7:

Village of Federal

Document History

Doc No.	Date Amended	Details Comments eg Resolution No.
#192460		Effective 17 March 1989
#192460	14 October 2010	Res 10-696 - to create Draft DCP 2010 for public exhibition
#1017444		Draft DCP 2010 Chapter 7 (public exhibition copy)
#1068937	14 March 2011	Adopted Res 11-169: -format changes applied -S94 provisions deleted -Provisions on Waste Disposal amended

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SECTION 1 - General

1.1 Citation

This plan, which may be cited as “Byron Shire Development Control Plan 2010 Chapter No.7 - Village of Federal”, constitutes a development control plan as provided for by section 74C of the Environmental Planning and Assessment Act, 1979.

1.2 Commencement date

This chapter was first effective from 17 March 1989 being the date on which it was formally adopted by Council.

1.3 Application

This chapter shall apply from the commencement date to all development consents and building approvals relating to the land shown on the maps accompanying this chapter, subject to the provisions of the Byron Local Environmental Plan 1988.

1.4 Definitions

“Map A” means Development Control Plan No.1 map titles “Village of Federal”.

“Map B” means Development Control Plan No.2 map titled “Central village area, Village of Federal”.

“Village centre,” means the part of Federal Drive between Eureka Road and Rose’s Road and the land directly adjacent on both sides of the road.

“Inter-village roads” means the road network linking Federal to adjacent villages and includes Federal Drive, Eureka Road, Binna Burra Road and Coorabell Road.

1.5 Objectives

(a) The objectives of the following zones as provided by the Byron Local Environmental Plan 1988 are adopted for the purposes of this chapter:

- i) Zone No.2 (v) (Village zone);
- ii) Zone No. 1(c) (Small Holdings); and
- iii) Zone No. 6(a) (Open Space).

In addition, the following objectives are adopted specifically for the area covered by this chapter:

- (b) To provide for orderly and economic development of the village area;
- (c) To define appropriate areas within the village for residential and commercial development, service industries and crafts which are appropriate to the village character, and public open space;
- (d) To provide for a variety of allotment sizes appropriate to the topography and capability of the land;
- (e) To provide for useable, attractive and safe pedestrian links between the residential, commercial and open space areas of the village; and

- (f) To provide development, servicing and landscape guidelines which meet the zone objectives and which will maintain and enhance the character of the village.

SECTION 2 – Public Services and Facilities

2.1 General

Contributions or dedication of land will be required for the provision of public services and facilities for which new development will generate a demand or increase the level of demand. These services and facilities are described in clauses 2.2 to 2.9.

2.2 Public open space

Public open space, as shown on the maps, consists of areas for:

- Active and passive recreation;
- Conservation of riparian vegetation;
- Maintenance and enhancement of wildlife resources; and
- Pedestrian links between areas of public open space and other elements of or associated with the village.

2.3 Eastern reserve

The eastern reserve consists of areas east of Federal Drive to be dedicated as active and passive open space, as shown on Map B.

The following rehabilitation and embellishment measures will be required for this reserve:

- (a) landscape planting of the reserve area linking Rose's Road with the open space area to the north of the preschool; and
- (b) planting of shade trees surrounding the active open space area directly across Federal Drive from the existing shop.

2.4 Western reserve

The western reserve consists of areas adjacent to Stony Creek to the west of Federal Drive, as shown on Map B, to be dedicated as public open space.

The following rehabilitation and embellishment measures will be required for this reserve:

- (a) landscape and enrichment planting of native species in the waterfowl conservation area;
- (b) rehabilitation of the picnic area by:
 - removal of exotic vegetation and replacement with native pioneer species;
 - construction of a low earth and rock wall to embellish existing pond areas and provide a pond depth of approximately 1m;
 - construction of a pedestrian timber bridge crossing Stony Creek;
 - provision of picnic tables, grassed areas and barbecue sites; and
- (c) provision of a clearly marked walking trail between the picnic area and the riparian rainforest, linking with the village pedestrian network.

2.5 Open space network

Provision of landscaped walking tracks will be required in the following locations as shown on Maps A and B:

- a) a walking track safe for young children, between the tennis court area and the preschool, within a public reserve adjacent to the road reserve;
- b) a public right-of-way providing a pedestrian walkway from the village centre to Lizray Road, crossing the western reserve, approximately in the location shown on Map B;
- c) a public right-of-way providing a pedestrian trail between the village centre and Keyes Bridge, avoiding steep slopes and heavily vegetated areas; and
- d) landscaping of pedestrian walkways with appropriate shade trees.

2.6 Community facilities

- a) local level community facilities – Federal School of Arts, Federal Preschool Incorporated and Federal Community Centre Incorporated;
- b) town level community facilities as determined by Council's Planning Director from time to time.

2.7 Fire station

- a) land suitable and sufficient for the location of a fire station for the village and surrounding area;
- b) construction of safe vehicle access;
- c) appropriate landscape planting.

2.8 Tennis courts

The area containing the existing tennis court is to be increased to accommodate a second tennis court and upgraded amenities, including:

- a) provision of a second tennis court adjacent to the existing court;
- b) upgrading or replacement of amenities building associated with the tennis court, to include public toilet facilities; and
- c) provision of a secure play area for small children.

2.9 Roads and drainage

- a) upgrading of the intersections of Federal Drive and Eureka Road; Coorabell Road and Binna Burra Road; Eureka Road and Lizray Road, as required to improve visibility and safety;
- b) widening and landscaping of Federal Drive through the village centre, between Eureka Road and Rose's Road;
- c) construction and landscaping of roadside parking spaces associated with commercial development, where adequate on-site parking cannot be provided in accordance with the provisions of Chapter No.1 Part G - Vehicle Access and Parking;
- d) widening and upgrading of inter-village roads as determined by Council's Works and Services Director;
- e) widening of Lizray Road.

SECTION 3 - Wastewater disposal

3.1 General

Effluent from existing and new development in the village area will be treated and disposed of through 'stand alone' on-site sewage management systems, as no centralised sewer system is available. A principal objective is therefore to ensure that these privately managed wastewater treatment systems are designed and located to minimise public health or environmental harm.

The principles and guidelines in this section will be considered in relation to any development application for single allotment or larger scale subdivision. It will be necessary for the applicant to demonstrate that the on-site sewage management system is capable of complying with any applicable standards set out or referred to in Local Government (General) Regulation 2005, Australia/New Zealand Standard 1547 "On-site domestic-wastewater management" and with any other applicable standards adopted by Council. Details of all system components to be provided by applicants including the relevant NSW Health accreditation certification.

The following principles will be applied with regard to consideration of layout and size of allotments, the siting of buildings and the location of associate access, and ancillary structures on land not capable of connection to the public sewer:

- Land application area/s must be appropriately located and sized to suit the most likely hydraulic load generated by the proposed development. Land application areas where the capacity of the soil is identified as a serious limitation, may restrict the level of development on the land.
- Proposals in more 'sensitive' environmental locations (e.g. 'designated development', near wetlands or ecologically significant habitat) or where there are implications for public health (e.g. drinking water catchments) shall demonstrate full compliance with all the objectives of this section.
- Where insufficient land application area is available, the applicant must clearly demonstrate that higher levels of treatment and disinfection of treated wastewater, or commitment to significant reductions in hydraulic loads will be feasible and achievable.
- Land application areas should be sited such that there is sufficient separation from ephemeral and natural water courses, groundwater wells and bores and springs to prevent environmental harm.
- The setting aside of an equivalent (duplicate) land application area to be detailed. This additional site constraint must ensure adequate capacity for future development on the land (e.g. the addition of extra bedrooms) and for long-term replacement of the land application which might fail due to poor management or significant increases in hydraulic load on the system.
- All system components shall be located within the boundaries of the subject land. The use of 'off-site' disposal or 'on-site storage and pump-out disposal' is not sustainable nor supported by Council.
- Performance standards for the operation of any system of sewage management must ;
 - (a) prevent the spread of disease by micro-organisms,
 - (b) prevent the spread of foul odours,
 - (c) prevent contamination of water,
 - (d) prevent degradation of soil and vegetation,
 - (e) discourage breeding and harbourage of insects and vermin,
 - (f) prevent persons coming into contact with untreated sewage or effluent (whether treated or not) in their ordinary activities on the premises concerned,
 - (g) minimise any adverse impacts on the amenity of the premises and surrounding lands,
 - (h) minimise the waste of resources (including nutrients, organic matter and water).
- Applications for onsite sewage management systems must apply the following ecologically sustainable development (ESD) objectives:

- (a) To apply the precautionary principle where the proposed development is likely to cause irreversible or serious harm to the environment.
- (b) To allow for broad community involvement in respect to issues of concern associated with any proposed development.
- (c) To ensure that water is utilised efficiently and that water leaving the land is of a quality and quantity comparable to that which is received.
- (d) To ensure that biodiversity and the integrity of ecological processes are not compromised by the proposed development.
- (e) To promote the use of energy efficient materials and designs, utilisation of renewable energy and energy efficient technology; and water conservation and water reuse in association with the proposed development.
- (f) To follow the principles of the 'Waste Hierarchy' (reduce, reuse recycle) in the use of materials and the design of waste recovery and dispersal systems associated with the proposed development.
- (g) To protect neighbourhood amenity and safety.

The Byron Shire Guidelines and assessment model (as may be amended from time to time) are aimed at achieving the principles contained in this clause.

On-site sewage management systems shall be designed and located generally in accordance with the principles contained in this clause.

Where dual occupancy development (which has a greater hydraulic and nutrient load than a single dwelling) is proposed, the principles will be applied to each dwelling separately.

Proposals for wastewater treatment, disposal or reuse from commercial development must be considered on merit. The specific characteristics of the wastewaters likely to be generated by any commercial development must be fully assessed at application stage. Some commercial activities may generate wastewater which is not capable of treatment by on-site sewage management systems in accordance with this clause.

3.2 Design guidelines

Legislative Requirements

- Local Government Act 1993
- Local Government (General) Regulation 2005 .
- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- Draft Guidelines for Industry: The Utilisation of Treated Effluent by Irrigation. NSW Environment Protection Authority (2004).
- Waterless Composting Toilets Approval Guideline (Part 3 – Local Government Approvals Regulation 1993). NSW Health Department (1997).
- Manual of Practice, Sewer Design. Public Works, January 1984.

Other Guidelines

- Environment and Health Protection Guidelines: On-site Sewage Management for Single Households, 1998.

- Byron Shire Council's adopted: Design Guidelines for On-site Sewage Management for Single Households.
- Australian Guidelines For Water Recycling: Managing Health and Environmental Risks (Phase 1) 2006
- ANZECC Guidelines For Fresh and Marine Water Quality (2000)
- DEC Environmental Guidelines: Use of Effluent by Irrigation (2004)
- EPA Environmental Guidelines: Use & Disposal of Biosolids Products (1997)
- Rous Water Onsite Wastewater Management Guidelines (2007)

Standards & Codes

- Australian Standard AS/NZS 1547: 2000 On-site domestic wastewater management.
- Australian Standard AS/NZS 3500:2003, plumbing and drainage
- NSW Code of Practice, Plumbing and Drainage (3rd Edition) 2006

3.3 Permissible Technologies and Buffer Distances From Permanent and / or Intermittent Watercourses.

	Treatment Level	Land Application Method	10 – 25m ¹	26 - 50m	50 - 100m	> 100m ⁵
All Wastewater (Black & Grey)	Primary only	Trench, bed, mound (or where modified)	Not Permitted	Not Permitted	Not Permitted	Permitted ⁴
	Secondary	Trench, bed, mound (or modified version)	Not Permitted	Not Permitted	Not Permitted ³	Permitted
	Secondary	SSI	Not Permitted	Not Permitted	Permitted	Permitted
	Secondary + disinfection	Trench, bed, mound (or where modified)	Not Permitted	Not Permitted	Permitted	Permitted
	Secondary + disinfection	SSI	Not Permitted	Not Permitted	Permitted	Permitted
	Tertiary	Trench, bed, mound (or where modified)	Not Permitted	Permitted	Permitted	Permitted
	Tertiary	SSI	Not Permitted	Permitted	Permitted	Permitted
	Tertiary + disinfection	Trench, bed, mound (or where modified)	Not Permitted	Permitted	Permitted	Permitted
	Tertiary + disinfection	SSI	Not Permitted	Permitted	Permitted	Permitted
Compost Toilets &	Compost toilet	Sub-surface solids disposal	Permitted	Permitted	Permitted	Permitted
	GDD	Trench, bed, mound (or where modified)	Not Permitted	Not Permitted	Permitted	Permitted

	Treatment Level	Land Application Method	10 – 25m ¹	26 - 50m	50 - 100m	> 100m ⁵
	GDD	SSI	Not Permitted	Not Permitted	Permitted	Permitted
	GTS (with or without disinfection)	Trench, bed, mound (or where modified)	Permitted ²	Permitted ²	Permitted	Permitted
	GTS (with or without disinfection)	SSI	Permitted ²	Permitted ²	Permitted	Permitted

Notes:

¹ OSMS treatment devices, infrastructure or wastewater disposal will not be allowed within 10m of a watercourse located within a drinking water catchment.

² The minimum standard for systems located within 50m of any watercourse located within a drinking water catchment is a septic tank with effluent polishing (e.g. sand-filter, wetland).

³ Secondary treatment devices located 50 - 100m of a watercourse, located within a drinking water catchment, and utilising trenches, beds, or mounds may be permitted if there is a commitment to maintain heavily vegetated (with native vegetation) riparian buffer for the life of the OSMS.

⁴ Primary treatment devices are not permitted within 100m of a waterway for individual dwellings within a sub-division development, units within a multiple unit development, individual units within a commercial development, or for secondary dwellings.

⁵ Developments proposing centralised sewage treatment systems within 100 m of a natural waterway, that release or reuse more than 20 persons equivalent (EP) capacity or six kilolitres per day of sewage, effluent or sludge will be considered to be designated development.

SECTION 4 – Development

4.1 Allotment size

- (a) The minimum area for any allotment within the area to which this chapter relates shall be:
- (i) within Zone No.1(c1) (Small Holdings zone) – in accordance with the provisions of the Byron Local Environmental Plan 1988; and
 - (ii) within Zone No.2(v) (Village zone) – 1,000m²
- (b) Within the areas shown hatched on Map B, the total number of residential or commercial allotments to be subdivided from any holding shall be no greater than the total area in hectares of the holding shown hatched on the map, divided by 0.3
- (c) Notwithstanding the provisions of subclause (a), a larger area may be required for any proposed allotment, having regard to:
- The slope of the land;
 - The soil quality;
 - The proposed method of wastewater disposal;
 - The likely impact of any development with regard to visual quality, land capability or the village character; and
 - The ability to provide adequate and safe vehicle access to the land, and the likely impact of such access with regard to soil erosion, visual quality or the village character generally.

4.2 Building envelopes

In order to maintain and enhance the rural character of the area, careful consideration will be given to the siting, bulk and landscaping of dwellings, particularly within the areas shown hatched on the map.

Any development application for subdivision within the area to which this chapter relates should define building envelopes within which building approval only will be required.

Building will not be prohibited outside the approved building envelopes but development consent shall be required for any building so proposed.

4.3 Dual occupancy

Council may consent to dual occupancy development within the area to which this chapter relates, where:

- (a) such development is in accordance with the provisions of the Byron Local Environmental Plan 1988 and DCP Chapter No.1 Part C - Residential Development;
- (b) the allotment size is no less than the minimum provided by clause 4.1; and
- (c) the applicant demonstrates to Council's satisfaction that the proposal meets the provisions of this chapter with regard to wastewater disposal.

4.4 Commercial

Commercial development within the village area shall be located within the areas marked "commercial" on Map B. These locations have been chosen in order to:

- Maximise commercial viability;
- Contain traffic-generating development within the village centre;

- Provide for suitable and safe parking areas;
- Provide reasonable separation from residential areas;
- Provide for a nexus between commercial activity and the public open space network.

Commercial development will be required to provide on-site parking in accordance with the provisions of Chapter No.1 Part G. Where this is not feasible, contributions will be required for the provision of landscaped roadside parking areas.

4.5 Craft/service industry

The village zone permits, with Council's consent, a wide range of home occupations which may assist the self-sufficiency of the village and enhance its viability as a rural centre. However, many of these activities are of a nature which, while permissible within reasonable limits of noise, traffic generation or other constraints, may cause some nuisance if located within quieter residential areas.

Cottage, craft and light service industries which are permissible within Zone No.2 (v) should be located within the area marked "craft/ industry" on Map B. This area provides direct vehicle access from Lizray Road and reasonable separation from the main residential areas within the village.

SECTION 5 – Subdivision roads

5.1 General

The objectives of this chapter with regard to new subdivision roads are:

- (a) to maintain the rural character by minimising the impact of new roads;
- (b) to enhance the character of the village and residential amenity by providing for appropriate landscaping of rural roads; and
- (c) to minimise the impact of existing stormwater flows and increased run-off from new development.

5.2 Design guidelines

The design of subdivision roads shall be in accordance with the provisions of Chapter No.1 Part B - Subdivision. The following guidelines will be considered in addition:

- (a) subdivision roads shall not provide a through traffic function;
- (b) subdivision roads should follow contour lines as far as practicable;
- (c) subdivision roads shall not cross creeks or major drainage gullies unless it can be demonstrated to Council's satisfaction that there is no other practicable and suitable route;
- (d) the layout of subdivision roads should correspond approximately to the locations shown on the map. These locations are considered flexible, to take account of the topography, the detailed layout of allotments and the relationship between roads, developed areas and public open space;
- (e) subdivision roads should provide access to public reserves and allow for public parking associated with recreation;
- (f) subdivision roads should be designed as minor roads as far as practicable and should maximise the area available for pedestrian walkways, drainage and landscaping, within the requirements of Chapter No.1 and Council's specifications for rural roads;
- (g) subdivision and road layouts shall minimise individual lot access directly from inter-village roads;
- (h) existing vegetation should be incorporated within road reserves. Where this is not possible, appropriate landscaping of road reserve areas will be required; and
- (i) grassed drainage swales and road shoulders will be preferred to constructed kerb and gutter, in keeping with the existing character of rural roads.

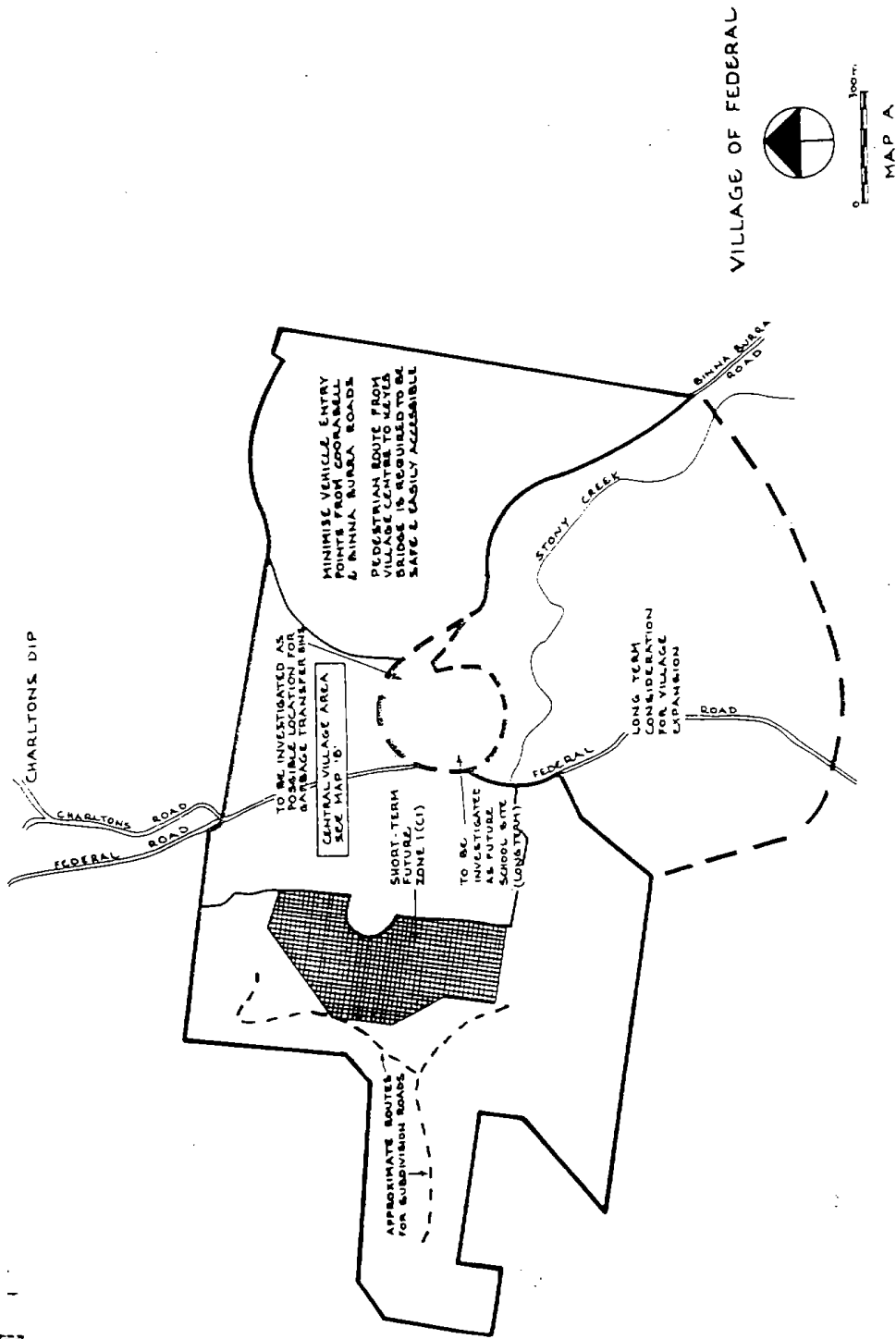
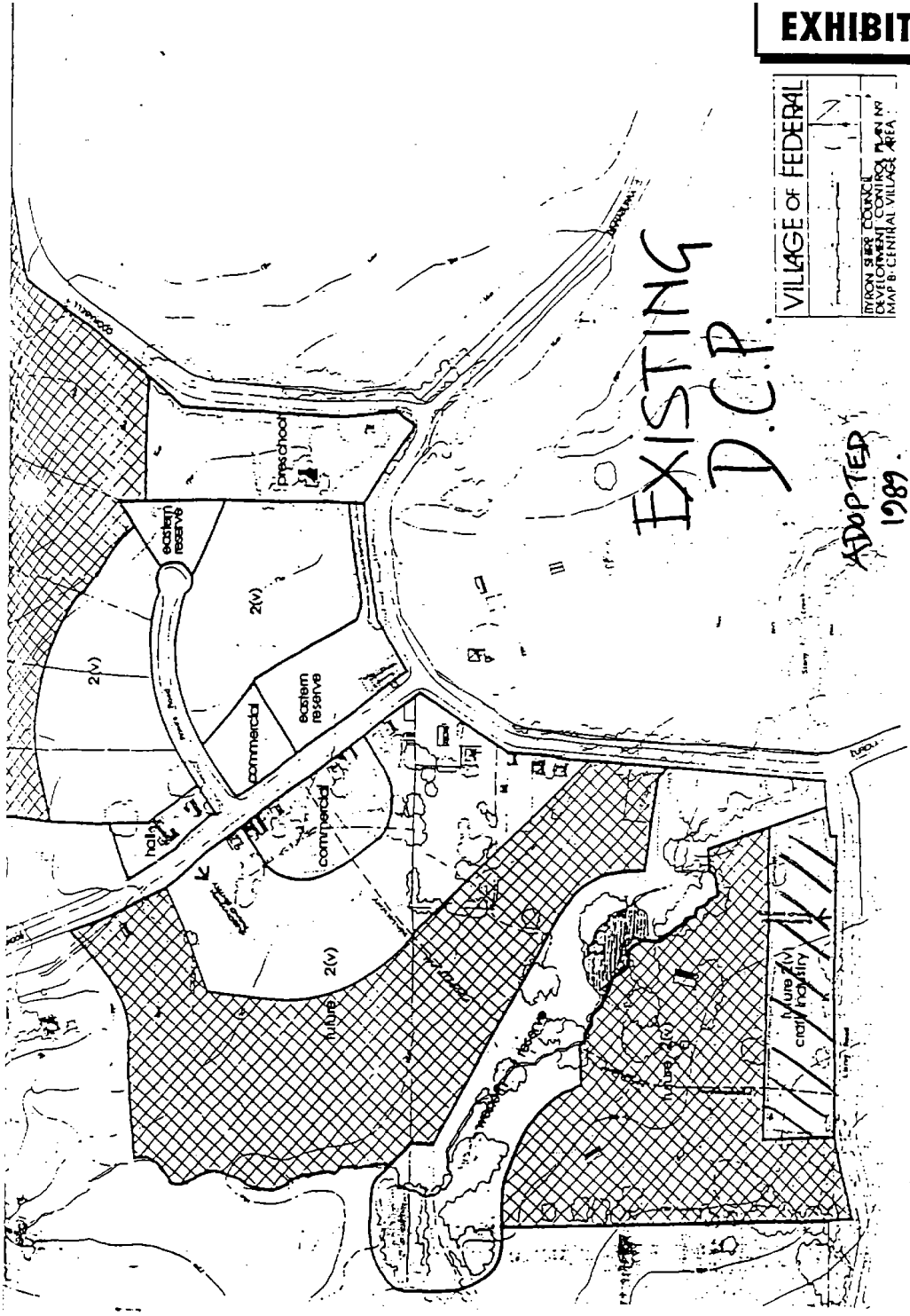


EXHIBIT C



Chapter 8:

Village of Main Arm

Document History

Doc No.	Date Amended	Details Comments eg Resolution No.
#216034		Effective 11 April 1989
#216034	14 October 2010	Res 10-696 - to create Draft DCP 2010 for public exhibition
#1017459		Draft DCP 2010 Chapter 8 (public exhibition copy)
#1068951	14 March 2011	Adopted Res 11-169: -format changes applied -S94 provisions deleted -Provisions on Waste Disposal amended

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Section 1 GENERAL

1.1 Citations

This plan which may be cited as “Byron Shire Development Control Plan 2010 Chapter No. 8 – Village of Main Arm”, constitutes a development control plan as provided for by section 74C of the Environmental Planning and Assessment Act, 1979.

1.2 Commencement date

This chapter was first effective from 11 April 1989, being the date on which it was formally adopted by Council

1.3 Application

This chapter shall apply from the commencement date to all development consents and building approvals relating to the land shown on the map accompanying this chapter, subject to the provisions of the Byron Local Environmental Plan 1988.

1.4 Definitions

“The map” means Development Control Plan Chapter No. 8 map titled “Village of Main Arm”.

1.5 Objectives

(a) The objectives of the following zones as provided by the Byron Local Environmental Plan 1988 are adopted for the purposes of this chapter:

- (i) Zone No. 2(v) (Village zone); and
- (ii) Zone No. 6(a) (Open Space)

In addition, the following objectives are adopted specifically for the area covered by this chapter.

- (b) To provide for orderly and economic development of the village area.
- (c) To define appropriate areas within the village for residential and commercial development and public open space.
- (d) To provide for a variety of allotment sizes appropriate to the topography and capability of the land.
- (e) To provide for useable, attractive and safe pedestrian links between the residential, commercial and open space areas of the village.
- (f) To provide development servicing and landscape guidelines which meet the zone objectives and which will maintain and enhance the character of the village.

Section 2 PUBLIC SERVICES AND FACILITIES

2.1 General

Contributions or dedication of land will be required for the provision of public services and facilities for which new development is likely to generate a demand or increase the level of demand. These services and facilities are described in clauses 2.2 to 2.8.

2.2 Public open space

Public open space as shown on the plan consists of areas for:

- active and passive recreation;
- conservation of vegetation;
- maintenance and enhancement of wildlife resources; and
- pedestrian links between areas of public open space and other elements of the village.

2.3 Creek paddock

An area to the north of the old dairy containing a section of Blindmouth Creek will be dedicated as public reserve for active recreation, as shown on the map.

The following rehabilitation and embellishment measures will be required for this reserve:

- (a) fencing to exclude grazing animals;
- (b) stabilisation of the creek banks and planting of riparian vegetation;
- (c) construction of a low earth and rock wall to provide a pond depth of approximately 1m; and
- (d) provision of stepping stones crossing Blindmouth Creek.

2.4 Arboretum

The arboretum consists of the clump of trees located to the west of the old dairy and shed. Due to the national and local importance of its vegetation, it will be incorporated within an area to be dedicated for public open space. This area will extend to the north of the arboretum, as shown on the map.

The following rehabilitation and embellishment measures will be required for this reserve:

- (a) removal of rubbish
- (b) gradual pruning and removal of coral trees, coinciding with enrichment planting selected from the list of subtropical rainforest specimens included in clause 6.2;
- (c) provision of picnic tables and grassed areas; and
- (d) provision of children's play equipment of appropriate timber construction.

2.5 Western ridge

An area on the western side of the ridge containing an association of camphor laurel and rainforest pioneer species will be dedicated as a reserve for passive recreation, as shown on the map.

The following rehabilitation and embellishment measures will be required for this reserve:

- eradication of noxious weeds

2.6 Open space network

Provision of landscaped pedestrian tracks will be required in the following locations as shown on the map:

- (a) a public reserve linking the western end of the subdivisional road to the camphor laurel area on the western ridge;
- (b) a public right-of-way linking the camphor laurel area on the western right to Main Arm Road at the western end of the village zone;
- (c) a public right-of-way along the northern/ eastern bank of Blindmouth Creek east of Blindmouth Road, linking The Pocket Road to the village centre; and
- (d) landscaping of pedestrian tracks with appropriate shade trees and riparian vegetation along creek banks.

2.7 Community facilities

- (a) Local level community facilities – Durrumbul and Kohinur community halls and associated recreation facilities.
- (b) Town level community facilities as determined by Council's Planning Director from time to time.

2.8 Roads and drainage

- (a) The causeway on Main Arm Road to the east of the village:
 - (i) construction of a bridge to raise the road to an appropriate level, in the same location as the existing causeway; and
 - (ii) restoration and rehabilitation of vegetation around the new bridge and temporary crossing.
- (b) Upgrading of the intersection of Main Arm and Blindmouth Roads and resolution of road reserve boundaries.
- (c) Widening of Main Arm Road through the village area, between The Pocket Road and the western ridge reserve.
- (d) Sealing of Blindmouth Roads and resolution of road reserve boundaries.
- (e) Construction of roadside parking spaces associated with any commercial development, where adequate on-site parking cannot be provided in accordance with the provisions of DCP Chapter No. 1 Part G Vehicle Access and Parking.
- (f) Upgrading of the existing drain crossing Main Arm Road from the new development area.

SECTION 3 - WASTEWATER DISPOSAL

3.1 General

Effluent from existing and new development in the village area will be treated and disposed of through 'stand alone' on-site sewage management systems, as no centralised sewer system is available. A principal objective is therefore to ensure that these privately managed wastewater treatment systems are designed and located to minimise public health or environmental harm.

The principles and guidelines in this section will be considered in relation to any development application for single allotment or larger scale subdivision. It will be necessary for the applicant to demonstrate that the on-site sewage management system is capable of complying with any applicable standards set out or referred to in Local Government (General) Regulation 2005, Australia/New Zealand Standard 1547 "On-site domestic-wastewater management" and with any other applicable standards adopted by Council. Details of all system components to be provided by applicants including the relevant NSW Health accreditation certification.

The following principles will be applied with regard to consideration of layout and size of allotments, the siting of buildings and the location of associate access, and ancillary structures on land not capable of connection to the public sewer:

- Land application area/s must be appropriately located and sized to suit the most likely hydraulic load generated by the proposed development. Land application areas where the capacity of the soil is identified as a serious limitation, may restrict the level of development on the land.
- Proposals in more 'sensitive' environmental locations (e.g. 'designated development', near wetlands or ecologically significant habitat) or where there are implications for public health (e.g. drinking water catchments) shall demonstrate full compliance with all the objectives of this section.
- Where insufficient land application area is available, the applicant must clearly demonstrate that higher levels of treatment and disinfection of treated wastewater, or commitment to significant reductions in hydraulic loads will be feasible and achievable.
- Land application areas should be sited such that there is sufficient separation from ephemeral and natural water courses, groundwater wells and bores and springs to prevent environmental harm.
- The setting aside of an equivalent (duplicate) land application area to be detailed. This additional site constraint must ensure adequate capacity for future development on the land (e.g. the addition of extra bedrooms) and for long-term replacement of the land application which might fail due to poor management or significant increases in hydraulic load on the system.
- All system components shall be located within the boundaries of the subject land. The use of 'off-site' disposal or 'on-site storage and pump-out disposal' is not sustainable nor supported by Council.
- Performance standards for the operation of any system of sewage management must:
 - (a) prevent the spread of disease by micro-organisms,
 - (b) prevent the spread of foul odours,
 - (c) prevent contamination of water,
 - (d) prevent degradation of soil and vegetation,
 - (e) discourage breeding and harbourage of insects and vermin,
 - (f) prevent persons coming into contact with untreated sewage or effluent (whether treated or not) in their ordinary activities on the premises concerned,
 - (g) minimise any adverse impacts on the amenity of the premises and surrounding lands,

- (h) minimise the waste of resources (including nutrients, organic matter and water).
- Applications for onsite sewage management systems must apply the following ecologically sustainable development (ESD) objectives:
 - (a) To apply the precautionary principle where the proposed development is likely to cause irreversible or serious harm to the environment.
 - (b) To allow for broad community involvement in respect to issues of concern associated with any proposed development.
 - (c) To ensure that water is utilised efficiently and that water leaving the land is of a quality and quantity comparable to that which is received.
 - (d) To ensure that biodiversity and the integrity of ecological processes are not compromised by the proposed development.
 - (e) To promote the use of energy efficient materials and designs, utilisation of renewable energy and energy efficient technology; and water conservation and water reuse in association with the proposed development.
 - (f) To follow the principles of the 'Waste Hierarchy' (reduce, reuse recycle) in the use of materials and the design of waste recovery and dispersal systems associated with the proposed development.
 - (g) To protect neighbourhood amenity and safety.

The Byron Shire Guidelines and assessment model (as may be amended from time to time) are aimed at achieving the principles contained in this clause.

On-site sewage management systems shall be designed and located generally in accordance with the principles contained in this clause.

Where dual occupancy development (which has a greater hydraulic and nutrient load than a single dwelling) is proposed, the principles will be applied to each dwelling separately.

Proposals for wastewater treatment, disposal or reuse from commercial development must be considered on merit. The specific characteristics of the wastewaters likely to be generated by any commercial development must be fully assessed at application stage. Some commercial activities may generate wastewater which is not capable of treatment by on-site sewage management systems in accordance with this clause.

3.2 Design guidelines

Legislative Requirements

- Local Government Act 1993
- Local Government (General) Regulation 2005 .
- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- Draft Guidelines for Industry: The Utilisation of Treated Effluent by Irrigation. NSW Environment Protection Authority (2004).
- Waterless Composting Toilets Approval Guideline (Part 3 – Local Government Approvals Regulation 1993). NSW Health Department (1997).
- Manual of Practice, Sewer Design. Public Works, January 1984.

Other Guidelines

- Environment and Health Protection Guidelines: On-site Sewage Management for Single Households, 1998.

- Byron Shire Council's adopted: Design Guidelines for On-site Sewage Management for Single Households.
- Australian Guidelines For Water Recycling: Managing Health and Environmental Risks (Phase 1) 2006
- ANZECC Guidelines For Fresh and Marine Water Quality (2000)
- DEC Environmental Guidelines: Use of Effluent by Irrigation (2004)
- EPA Environmental Guidelines: Use & Disposal of Biosolids Products (1997)
- Rous Water Onsite Wastewater Management Guidelines (2007)

Standards & Codes

- Australian Standard AS/NZS 1547: 2000 On-site domestic wastewater management.
- Australian Standard AS/NZS 3500:2003, plumbing and drainage
- NSW Code of Practice, Plumbing and Drainage (3rd Edition) 2006

3.3 Permissible Technologies and Buffer Distances From Permanent and / or Intermittent Watercourses.

	Treatment Level	Land Application Method	10 – 25m ¹	26 - 50m	50 - 100m	> 100m ⁵
All Wastewater (Black & Grey)	Primary only	Trench, bed, mound (or where modified)	Not Permitted	Not Permitted	Not Permitted	Permitted ⁴
	Secondary	Trench, bed, mound (or modified version)	Not Permitted	Not Permitted	Not Permitted ³	Permitted
	Secondary	SSI	Not Permitted	Not Permitted	Permitted	Permitted
	Secondary + disinfection	Trench, bed, mound (or where modified)	Not Permitted	Not Permitted	Permitted	Permitted
	Secondary + disinfection	SSI	Not Permitted	Not Permitted	Permitted	Permitted
	Tertiary	Trench, bed, mound (or where modified)	Not Permitted	Permitted	Permitted	Permitted
	Tertiary	SSI	Not Permitted	Permitted	Permitted	Permitted
	Tertiary + disinfection	Trench, bed, mound (or where modified)	Not Permitted	Permitted	Permitted	Permitted
	Tertiary + disinfection	SSI	Not Permitted	Permitted	Permitted	Permitted
Compost Toilets &	Compost toilet	Sub-surface solids disposal	Permitted	Permitted	Permitted	Permitted
	GDD	Trench, bed, mound (or where modified)	Not Permitted	Not Permitted	Permitted	Permitted
	GDD	SSI	Not Permitted	Not Permitted	Permitted	Permitted

	Treatment Level	Land Application Method	10 – 25m ¹	26 - 50m	50 - 100m	> 100m ⁵
	GTS (with or without disinfection)	Trench, bed, mound (or where modified)	Permitted ²	Permitted ²	Permitted	Permitted
	GTS (with or without disinfection)	SSI	Permitted ²	Permitted ²	Permitted	Permitted

Notes:

¹ OSMS treatment devices, infrastructure or wastewater disposal will not be allowed within 10m of a watercourse located within a drinking water catchment.

² The minimum standard for systems located within 50m of any watercourse located within a drinking water catchment is a septic tank with effluent polishing (e.g. sand-filter, wetland).

³ Secondary treatment devices located 50 - 100m of a watercourse, located within a drinking water catchment, and utilising trenches, beds, or mounds may be permitted if there is a commitment to maintain heavily vegetated (with native vegetation) riparian buffer for the life of the OSMS.

⁴ Primary treatment devices are not permitted within 100m of a waterway for individual dwellings within a sub-division development, units within a multiple unit development, individual units within a commercial development, or for secondary dwellings.

⁵ Developments proposing centralised sewage treatment systems within 100 m of a natural waterway, that release or reuse more than 20 persons equivalent (EP) capacity or six kilolitres per day of sewage, effluent or sludge will be considered to be designated development.

Section 4 DEVELOPMENT

4.1 Allotment size

- (a) The minimum area for any allotment on land within Zone No. 2(v) Village to which this chapter relates shall be 1,500 m².
- (b) Within the areas shown hatched on the map, the total number of allotments shall be no greater than the total hatched area in hectares, divided by 0.4.
- (c) Notwithstanding the provisions of subclause (a), a larger area may be required for any proposed allotment, having regard to:
 - the slope of the land;
 - the soil quality;
 - the proposed method of wastewater disposal;
 - the likely impact of any development with regard to visual quality, land capability or the village character; and
 - the ability to provide adequate and safe vehicle access to the land, and the likely impact of such access with regard to soil erosion, visual quality or the village character generally.

4.2 Building envelopes

In order to maintain and enhance the rural character of the area, careful consideration will be given to the siting, bulk and landscaping of dwellings within the areas shown hatched on the map.

Any development application for subdivision within the area to which this chapter relates should define building envelopes within which building approval only will be required for single dwellings.

Building will not be prohibited outside the approved building envelopes but development consent shall be required for any building so proposed.

4.3 Dual occupancy

Council may consent to dual occupancy development within the area to which this chapter relates, where:

- (a) such development is in accordance with the provisions of the Byron Local Environment Plan 1988 and Byron Shire Development Control Plan 2010 Chapter No. 1 - Part C Residential Development;
- (b) the minimum allotment size is 1,500m²; and
- (c) the applicant demonstrates to Council's satisfaction that the proposal meets the provisions of this chapter with regard to wastewater effluent disposal.

4.4 Commercial development

Commercial development within the village shall be restricted to the locations shown on the map. These locations have been chosen in order to:

- encourage commercial viability but minimise traffic hazards;
- provide for suitable and safe parking areas;
- provide reasonable separation from residential areas; and
- provide for a nexus between commercial activity and the public open space network.

Commercial development will be required to provide on-site parking in accordance with the provisions of DCP Chapter No. 1 - Part G. Where this is not feasible, contributions will be required for the provisions of landscaped roadside parking areas.

Vehicle access to on-site parking and roadside parking areas shall not be located in Main Arm Road or in Blindmouth Road closer than 40m to its intersection with Main Arm Road.

Section 5 SUBDIVISION ROADS

5.1 General

The objectives of this chapter with regard to new subdivision roads are:

- (a) to maintain the rural character by minimising the impact of new roads;
- (b) to enhance the character of the village and residential amenity by providing for appropriate landscaping of rural roads; and
- (c) to minimise the impact of existing stormwater flows and increased run-off from new development.

5.2 Design guidelines

The design of subdivision roads shall be in accordance with the provisions of Chapter No. 1 Part B - Subdivision. The following guidelines will be considered in addition:

- (a) subdivision roads shall not provide a through traffic function;
- (b) subdivision roads should follow contour lines as far as practicable;
- (c) subdivision roads shall not cross creeks or major drainage gullies unless it can be demonstrated to Council's satisfaction that there is no other practicable and suitable route;
- (d) the layout of subdivision roads shall correspond approximately to the locations shown on the map. These locations are considered flexible to take account of the topography, the detailed layout of allotments and the relationship between roads, developed areas and public open space;
- (e) vehicle access to the new subdivision area west of Blindmouth Road shall be restricted to one entry point corresponding approximately to the location shown on the map;
- (f) subdivision roads shall provide access to public reserves and allow for public parking associated with recreation;
- (g) subdivision roads should be designed as minor roads as far as practicable and should maximise the area available for pedestrian walkways, drainage and landscaping, within the requirements of Chapter No. 1 and Council's specifications for rural roads;
- (h) stormwater flows should be directed towards Blindmouth Creek in the northern part of the subdivision and away from existing drainage crossing Main Arm Road;
- (i) existing vegetation should be incorporated within road reserves. Where this is not possible, appropriate landscaping of road reserve areas will be required; and
- (j) grassed drainage swales and road shoulders will be preferred to constructed kerb and gutter, in keeping with the existing character of rural roads.

Section 6 LANDSCAPING

6.1 Landscaping

The developer is to submit prior to the release of linen plans a landscaping plan in triplicate indicating proposed landscaping or road reserves with fire resistant species to soften the visual impact of development on the surrounding environment and improve the amenity of the area.

6.2 Arboretum – planting species

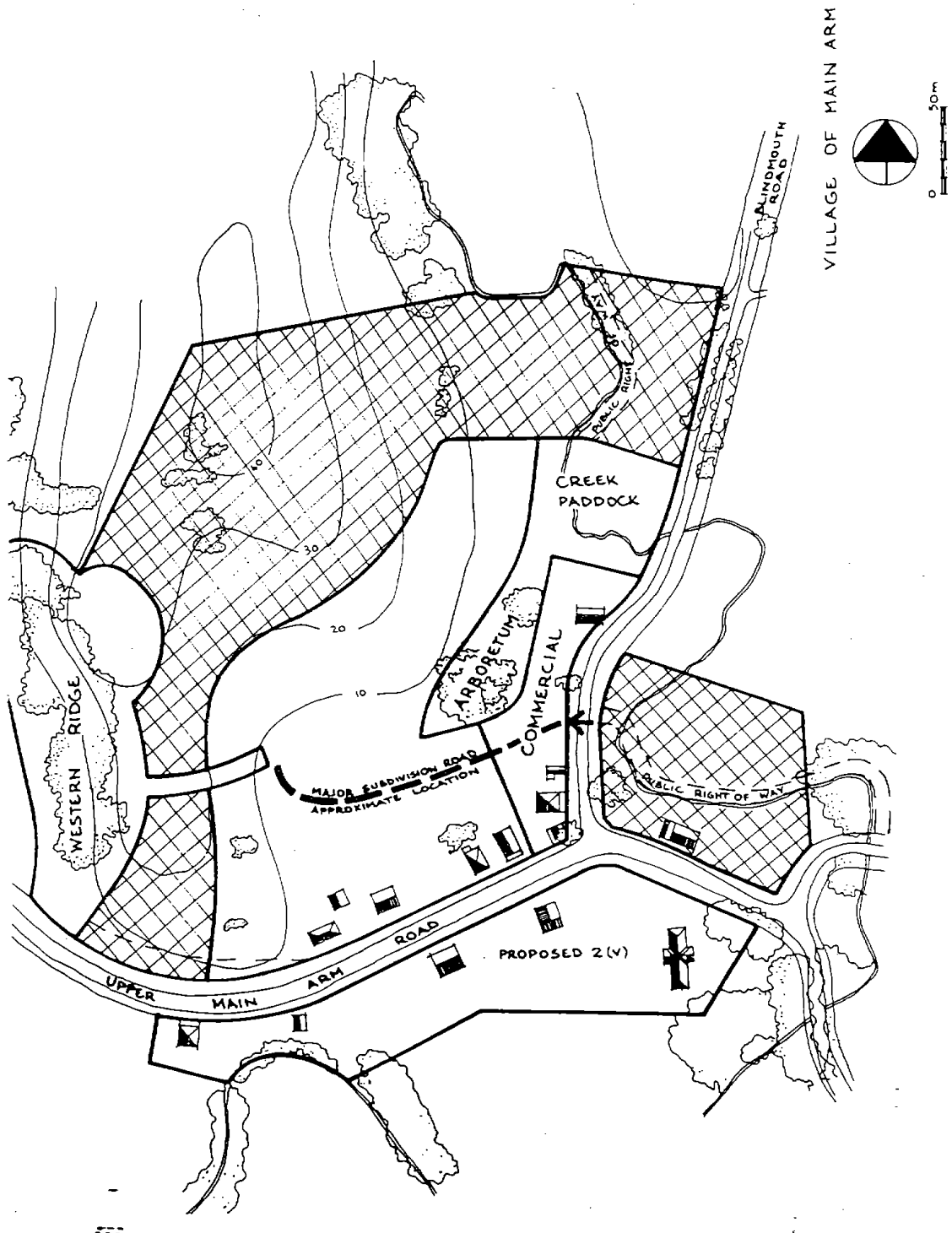
The following species are suitable for enrichment planting of the arboretum as provided by clause 2.4:

Common name	Scientific name
Foambark	<i>Jagera pseudomus</i>
Brown Kurrajoing	<i>Commersonia bartramia</i>
Red Ash	<i>Alphitonia excelsa</i>
Red Kamala	<i>Mallotus philippensis</i>
Lilly Pilly	<i>Acmena smithii</i>
Broad-leaved Lilly Pilly	<i>Acmena hemilampra</i>

Section 7 WATER SUPPLY

7.1 Water Supply

Rain water tanks with a minimum capacity of 50,000 litres are to be provided for each dwelling to discourage the pumping of water from Blindmouth Creek.



Chapter 9:

Suffolk Park

Document History

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#216378		Adopted 27 May 1986
#216378	14 October 2010	Res 10-696 - to create Draft DCP 2010 for public exhibition
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Section 1 GENERAL

1.1 Introduction

Suffolk Park is located some 5 kilometres to the south of Byron Bay on the Broken Head Road. (The distance from the Byron Bay Post Office to the centre of the commercial Business zoned 3(a) area at Clifford Street is 5.2 kilometres). With development of land to the west of the Broken Head Road, Suffolk Park will evolve into a township in its own right. It will offer its own unique housing opportunities including locations close to the beach and others adjacent to high habitat value forested areas. Other locations for housing will be elevated providing a contrast to that available in Byron Bay.

In this Development Control Plan (DCP) a full range of services appropriate to a town of 1,770 people by 1995 (estimated 1989: 970 people) will be facilitated. These services include provision for a primary school, shops, neighbourhood open space, bikeways and community facilities.

This DCP provides development control guidelines, standards and specific controls as necessary for development within Suffolk Park.

1.2 Citation

This plan is called "Byron Shire Development Control Plan 2010 Chapter No. 9 – Suffolk Park". It constitutes a development control plan as provided by section 74 of the Environmental Planning and Assessment Act, 1979.

1.3 Application

This chapter applies to all development consents and building approvals within Suffolk Park as defined in the development control plan map. The information contained in this chapter is to be read in conjunction with Byron Local Environmental Plan 1988 as amended and any other regional or state environmental planning instrument that may apply. This chapter shall also be read in conjunction with Chapter No. 1 which specifies Council's detailed objectives and guidelines for residential development and preferred standards in respect to design principles.

Should any inconsistency exist between this chapter and Council's "1986 Standard Requirements for Subdivision", the chapter shall prevail.

1.4 Aims of the Chapter

This Chapter has been made to give detailed expression to Council's objectives as defined in Byron LEP 1988 as amended. In addition the Chapter aims to: -

- Preserve significant areas of environmentally sensitive habitat and vegetation value and protect these areas from domestic animals by physical barriers or other suitable means;
- Preserve the important scenic backdrop of the escarpment land to the west of Broken Head Road;
- Take advantage of the variety of land forms and drainage patterns to provide a range of innovative subdivision designs, housing types and residential development designs to give Suffolk Park its own identity and uniqueness;
- Provide for neighbourhood open space, education and community facilities at a level commensurate with the needs of an increasing population;
- Provide an integrated road, pedestrian and bikeway movement system which minimises congestion and maximises safety and accessibility;
- Minimise and control flooding by appropriate drainage controls and works;
- Stage development in an economic and orderly manner;
- Encourage medium density and cluster residential development in appropriate locations where conventional subdivision may have an adverse effect on the environmental quality of the area;

- Minimise engineering works associated with roadworks, drainage and individual allotment development;
- Control development in such a way that the integrity of the Tallow Creek wetlands system are maintained and not affected by any new development.

1.5 Chapter Format

This chapter is divided into seven (7) sections, each of which contains a number of sub-sections.

The guidelines, requirements and/ or standards in all sub-sections following No. 2 Development Applications, appear under three (3) headings: -

- i) Detailed objectives
- ii) General requirements to satisfy objectives (seek to allow for innovation/ flair in meeting objectives).
- iii) Specific controls (may be waived at the discretion of Council but only where an applicant presents, a satisfactory proposal based on an interpretation of the 'general requirements to satisfy objectives').

The seven (7) sections in the chapter which follow are:

- Development Application
- Density
- Environmental Design – Subdivision
- Environmental Siting
- Urban Services
- Community Facilities
- Special Provisions

Section 2 DEVELOPMENT APPLICATIONS

2.1 General Requirements

An application for development must be made in writing on the prescribed forms available from Council.

Development applications are to be submitted in accordance with the requirements as outlined on page 2 of Council's subdivision application form and on pages 2, 3 & 4 of Council's standard DA form. Three (3) copies of the proposed plans and supporting information as to be submitted to Council and additional copies may be requested depending on the number of referrals needed. All development applications must contain a statement of the proposed development.

An application for subdivision shall conform with all statutory requirements as to road widening, certificates, easements or other restrictions, existing or proposed and shall be in accordance with the provisions of any declaration, proclamation or order made by any statutory authority or governing body.

Plans accompanying an application for subdivision of land shall: -

- (a) Be in ink or suitably reproduced prints on hard paper, of a size not less than A4 (29.6cm by 21cm).
- (b) Be of a suitable scale to enable dimensions and other necessary information to be shown clearly
- (c) Be identified with the written application by a notation: "This is the plan of proposed subdivision accompanying the application by (name of applicant) dated".
- (d) Show the boundaries of existing allotments in broken lines, with the lot or portion numbers of existing allotments in broken line lettering.
- (e) Show all proposed allotments, numbered consecutively, with their boundaries shown in solid lines, and the dimensions and area of each proposed allotment shown clearly.
- (f) Show the width of all streets and the position of the nearest cross street(s).

2.2 Application for Staged Development

Where staging of development is proposed, an application is to be lodged for the total development and stage release of linen plans applied for separately at the appropriate times. Should the scale of development be so large that staging may take several years then alternative arrangements may be made.

2.3 Location Map

A location map should be provided with each subdivision/ development application showing the location of the proposed development in relation to the whole of Suffolk Park. The map should contain a scale and north point and sufficient information to assist in appreciating its general location.

2.4 Site (Natural and Built Environment) Analysis Maps

In addition to the requirements as specified on Council's Development Application forms the applicant shall include site analysis maps and a statement of environmental effect covering the following subjects: -

- Existing land use
- Existing circulation and access
- Existing easements
- Land form
- Slope
- Soil (foundation) conditions
- Vegetation

Fauna
Micro-climate
Geology
Wetlands/ water courses/ drainage
Visual landscape
Engineering constraints
Aboriginal heritage

2.5 Statistics – Land Budget – Subdivision Applications

Here the developer is to provide information of the total site area to be subdivided or developed, the number of lots to be created, the percentage of the site to be given over to single dwellings, the percentage of the site to be used for medium density and the percentage of the site to be used for cluster housing. The developer should also give an estimate of the population to be accommodated in a subdivision, the size of lots (minimum: average), the percentage of the area to be developed as public open space, the area of communal open space in any cluster housing developments and the area of any school sites. In addition the site statistics and land budget should show the area and percentage of the site for environmental protection, the area and percentage of the site for drainage works including retardation basins and artificial lakes, the area and percentage of the site for community facilities, retailing and tourist uses and the area and percentage of the site for roads and other easements.

Section 3 DENSITY

This chapter gives recognition to the growing demand for diversity in residential needs reflecting changing household types, incomes and lifestyles.

Developers must in all applications for subdivision provide a range of lot sizes to allow for diversity of development to meet differing demands. To this end a minimum 25% of small lots shall be dispersed through new release areas. Further developers will provide medium density/ cluster housing on sites identified on this chapter map.

In all other areas the form and density of development shall be subject to the statutory provisions of the Byron Local Environmental Plan 1988 as amended and to the provision of Chapter No. 1.

Section 4 ENVIRONMENTAL DESIGN – SUBDIVISION

4.1 Micro-Climate Control

Detailed Objective

To design subdivisions and housing developments to take advantage of cooling summer breezes and to reduce the impact of adverse winds in winter and to maximise sunlight penetration into private open space areas.

General Requirements to Satisfy Objectives

Design of the proposed subdivision should gain the most advantage of cooling breezes in summer and reduce the impact of adverse winds in winter, be effective site layout and use of landscaping. Significant topographical features such as valleys and ridges can serve to channel or block prevailing winds.

Similarly, the selection of vegetation types and location of vegetation buffers and shelterbelts can be used to advantage to control the micro-climate on the site.

The site layout and landscaping should avoid funnelling unfavourable winds, and encourage cooling summer breezes.

Specific Controls

To conserve the vegetated areas not protected by a habitat zone in Suffolk Park as indicated on the map (Habitat-Vegetation-Open Space Systems).

To create vegetation buffers to the habitat area as indicated on the map (Habitat-Vegetation-Open Space Systems).

4.2 Aspect

Detailed Objectives

To maximise solar access having regard to the topography and vegetation of the site.

General Requirements to Satisfy Objective

Aspect is a major factor in designing the subdivision layout in regard to optimising solar access and the following principles are a basic guide.

Solar access is maximised where: -

- buildings can be sited so that the main living area are oriented north;
- overshadowing of or by other buildings is minimised.

Shadows are small on a north-facing slope, so dwelling sites can be close together. On a south-facing slope, shadow length is increased so dwelling sites should be further apart.

On east or west-facing slopes, dwellings need to be stepped back to maintain solar access. Lots with a main north-south axis (from 20° W to 30° E) give the most flexibility in the siting of dwellings and reduce problems of overshadowing.

Lots with a main east-west axis may need to be wider than normal.

Lots with a NW-SE or NE-SW axis are less favourable and may need to be specially designed or larger than normal to allow the siting of a house which is not parallel to the boundaries.

Having regard to all of the above, dwellings on lots adjacent to drainage reserves and watercourses are encouraged to be sited so as to face such reserves and watercourses.

These guidelines should be considered integrally with the particular topography prevailing and vegetation of the site to achieve a layout that optimises solar access and site characteristics together.

Specific Controls

See Chapter No. 1 Part C – Residential Development

4.3 Drainage

Detailed Objectives

To design subdivisions and housing developments so that people and property are protected from flooding erosion and wash aways.

To design drainage works so that they are contained on the property on which the development is occurring and so that they do not cause detriment to adjoining properties.

General Requirements to Satisfy Objectives

Designs for stormwater drainage which are harmonious with natural drainage patterns, soils and other relevant site conditions are more likely to reduce both construction and maintenance costs. Therefore the natural drainage pattern of the site should be a basis element in subdivision layout and road design.

Applicants are encouraged to make maximum use of open spaces and other unsealed surfaces to retain drainage surcharge. The following suggests some innovations in stormwater drainage treatment for consideration in subdivision design.

Conventional practice requires the maximum stormwater flow depth to be contained within the road pavement and kerb area.

Greater use of the road reserve as a defined overland floodway can have some advantages in cost savings, maintenance and environmental impact.

Greater use of retarding basins can also lower peak flows and can be integrated with open space for efficient land use.

Major flows carried on the surface in Road Reserves can mean slower runoff, reduces pipe sizes and costs;

Slower runoff means lower velocity, less siltation and less downstream erosion;
Less reliance on pipes reduces the possibility of localised flooding through pipe failure or blockage.

However, extreme care should be taken to ensure minimal impact of flooding in this area of high and heavy rainfall. The effectiveness of non-impervious floodways depends on soil conditions, cross-slopes and longitudinal falls. Pedestrian and vehicle safety and accessibility are major considerations with regard to flood water depth and velocity.

Specific Controls

The location of drainage easements and retardation basins must be in accordance with those shown on the map or as agreed by the Council's Executive Manager Community Infrastructure. The design and construction of the drainage facilities must perform to the specific standards for the Council's Community Infrastructure Division as detailed in Specification for Engineering Works.

Drainage easements, must be 30m wide unless otherwise agreed by the Council's Executive Manager Community Infrastructure. Where wider this area will be calculated as being part of the developers open space contributions.

The proposal for one of the retardation basins (identified as No. 3 on the chapter map [Drainage Systems]) to be developed as a lake will be considered if water quality and other environmental matters can be resolved to the satisfaction of the Council's Executive Manager Community Infrastructure.

4.4 Tree Preservation

Detailed Objectives

To protect the remnant plant communities which were once characteristic of Suffolk Park.

To retain vegetated areas of a size and shape which will enable the existing plant and animal communities to survive in the long term.

To protect habitats for native flora and fauna.

To protect and provide wildlife corridors and vegetation links with other nearby vegetated areas.

To protect site vegetation as a natural stabiliser of the soil surface.

To protect the site vegetation for its scenic values and to help retain the unique visual identity of the landscape.

To protect the highly erodable hailstone geological formations.

To protect natural drainage lines and watercourses and the coastal foreshores.

To protect the recreational potential of vegetated areas.

To maintain vegetated areas including the habitat zones in locations which are readily accessible to the existing and future community of Suffolk Park.

To promote the management of vegetated areas and the habitat zones in a manner which protects and enhances the quality of these areas and facilitates their public enjoyment compatible with their conservation.

General Requirements to Satisfy Objective

Council adopted a Tree Preservation Order in March 1984 covering the whole of the Shire, which protects all trees over 3 metres and mangrove trees of any height. No trees are to be removed without a written application being considered and permission for removal received in conjunction with the subdivision approval. It is unlikely that approval will be given to remove trees along watercourses, on steep slopes, within wildlife corridors or in visually significant areas.

Any trees proposed to be removed as a result of a subdivision proposal must be clearly marked to facilitate identification at the time of site inspection.

Subdivision road layout should be designed around significant stands of trees, which may be located within road reserves, public reserves or within the subdivision layout such that dwelling construction may be achieved without causing any undue interference with existing trees.

Specific Controls

Subdivision and housing development will not disturb any habitat zoned lands, littoral rainforest

areas of SEPP No. 14 - Coastal Wetlands without the consent of the Council. See LEP and DCP maps for identification of zoned areas.

Public open space will be provided wherever possible in areas adjacent to or including vegetated areas.

Pipelines to carry water, sewerage or gas should avoid treed areas and the habitat protection zones wherever possible. Constructing, operations and maintaining water, sewerage or gas pipelines within such zones and within treed areas should only be carried out with the consent of Council.

The construction of roads through treed areas or through habitat protection zones should only be carried out with the consent of Council and wherever possible should be avoided.

The constructions of lines for electricity or telecommunication purposes should wherever possible avoid vegetated areas and the habitat zones and any construction should only be carried out with the consent of Council.

The consent of Council is only likely to be given in the above cases where the purpose of constructing a road, water pipeline or sewerage pipeline etc., is shown to be essential for purposes and no reasonable alternative is available to the disturbance of that treed area or habitat zone.

The Council will also seek to ensure that the treed area or habitat zone is reinstated upon completion of the particular work as far as this is possible.

In regard to the treed area in the Firebeach's land in west Suffolk Park identified as being an area suitable for cluster housing or some form of similar housing the Council will require the preparation of a plan of management in respect of this important vegetated area to ensure its survival in the long term. This plan of management will specify measures to be taken to implement the specific aims of this sub-section to the chapter. Such measures should: -

- indicate any recreational use of the treed area;
- indicate how any bushfire hazard of the treed area including degradation through alteration of drainage patterns, rubbish dumping, infestation with weeds and exotic plants or the intrusion of vehicles;
- include specific measures to be taken to restore and regenerate any degraded areas;
- provide specific proposal for passive public open space incorporating some existing treed and grassed areas.

The Council will also require that any subdivision or housing developments located adjacent to the habitat zones will provide for appropriate buffer areas. See chapter Map for details.

Generally, these buffer areas will be 5m in width. The purpose of the buffer areas is to provide access principally for the Council's tractor and slasher to assist in weed, rubbish and fire control.

However, where alternative measures to assist in weed, rubbish and fire control are made and where cyclone wire fences or similar see-through fences are provided between the private properties and the habitat zoned lands to the satisfaction of the Council's Planning Director, the width of this buffer area may be reduced.

The treed area along the western margins of Broken head road to be retained. See chapter Map (Habitat-Vegetation-Open Space Systems) for details.

4.5 Landscaping

Detailed Objectives

To assist in micro-climate control to improve the overall appearance of the subdivision and to

increase the overall residential amenity of Suffolk park by providing attractive outdoor living spaces and improving the appearance of dwellings and other buildings.

General Requirements to Satisfy Objective

The effective use of landscaping can make a significant contribution to micro-climate control, to the overall appearance of the subdivision, and to the residential environment which is ultimately created.

Applicants should refer to Chapter No. 1 Part H – Landscape, for general guidelines regarding landscape design and maintenance.

Screen planting is required adjacent to arterial roads, and throughout the subdivision for which a fee may be required by Council. Alternatively the applicant may be required to carry out and maintain planting until it is established to the satisfaction of Council's Planning Division.

Specific Controls

A landscape architect should prepare a landscape plan for any subdivision or commercial development, non-residential or medium density or cluster housing development in Suffolk Park prior to release of the linen plan. The landscape plan should include: -

- All existing vegetation including that proposed to be removed
- All new works proposed including major planting types and location
- Requirements for topsoil retention and minimum compaction of future garden areas
- Protection for existing trees during site works and building
- Removal of building debris from site
- Suitability of plant species to locality, NB. plant species should all be native plants which occur in the area. A detailed list is available from Council.
- Information on maintenance of landscaped areas
- Grading and drainage of the landscaped areas.

4.6 Ridgelines

Detailed Objectives

To design subdivisions and housing developments so that ridgelines are preserved.

General Requirements to Satisfy Objective

Wherever possible ensure that roads run along contours and not against the contours. Provide for housing sites to be set back from tope of ridgelines in accordance with Clause 31 of the Byron Local Environmental Plan 1988 as amended.

Specific Controls

No houses or other buildings to be constructed on ridgelines.

All development in the vicinity of ridgelines shall be constructed in non-reflective earthtone colours from the following range: -

Browns, olive greens, brown-autumn reds, gold tones, and dark beige. Greys may be suitable depending on the surface area. Council approval is required prior to the use of any other colours.

Specifically excluded are whites, greys, bright yellows, blue, bright reds and bright greens.

4.7 Site Grading

Detailed Objective

Avoid concentrating water runoff onto neighbouring properties.

Minimise erosion. In this regard the developer must seek the advice of the Land & Property Management Authority of NSW for all subdivisions and in respect of other works considered significant in terms of erosion hazard by Council.

General Requirements to Satisfy Objective

Site grades should be designed for dispersal of surface water by infiltration and the use of natural drainage ways as provided for in Section 4.3 'Drainage'. Grades should be designed to retain original ground surface levels around trees and other natural vegetation which is to be preserved.

Specific Controls

Subdivision and housing development plans should show areas of concentrated drainage and indicate what provisions have been made for protection against erosion and excessive runoff. The size of any pipes, retardation basins and the like should be clearly stated.

Grades should not be designed which direct a concentrated flow of surface drainage over existing or proposed slopes.

All earth slopes with grades of 1 in 3 or steeper should be planted with appropriate vegetation cover to minimise erosion.

No development should occur adjacent to the western escarpment of Suffolk Park where there may be a potential for rockslides or landslips.

4.8 Public Open Space

Detailed Objectives

Public open space is to form part of a pedestrian bikeway network, which connects residential areas and other facilities.

Public open space is to be landscaped with native vegetation typical of the area in a manner, which integrates the open space with nearby streets and private landscaping.

Public open space is to be developed in the form of a functional hierarchy to provide for a wide range of leisure activities.

General Requirements to Satisfy Objective

There should be a functional hierarchy of open space to ensure leisure activities are available for people with different needs;

Open space should be safe to use for access of leisure;

It should enhance the function and appearance of the subdivision;

It should act as a landscape linking element;

Only land which is in a suitable location and which is able to be used for active or passive recreation will be considered to meet the requirements for public open space. However, Council will consider on merit proposals to dedicate environmentally sensitive land as public open space to

meet these requirements.

Specific Controls

Residential Type	Density	Minimum Public Open Space Required
Low Density	Up to 10 lots per hectare	15%
Medium Density	Greater than 10 lots per hectare	20% or, 15% with a 5% requirement in cash for land

Open space to be provided in the area shown on the chapter map, plus elsewhere as required by Council's Planning Director, to meet the minimum public open space requirements.

4.9 Pedestrian, Bikeways and Vehicle Movement Systems

Detailed Objectives

The pedestrian, bikeways and vehicle movement system within a subdivision should be an integral part of the overall development. The system should give priority to the safety and convenience of pedestrians and cyclists.

General Requirements to Satisfy Objective

Consideration should be given to a pronounced road hierarchy in which the size and appearance of each road matches its function.

The real benefits of a road hierarchy will only be realised if the whole neighbourhood had been planned together. Streets at the lower end of the hierarchy should not become through-routes for unrelated traffic, and proper provision must be made for buses, service and delivery vehicles.

Depending on the overall size and layout of s subdivision, a typical road hierarchy could include:-

Arterial or sub-arterial – giving access to the subdivision but not part of it.

Collector 1 – a main link through the subdivision, connecting directly with arterial roads.

Collector 2 – entirely within the subdivision, collecting the traffic from cul-de-sac and other minor roads.

Local access road – a loop road or cul-de-sac serving up to 15 lots.

Minor road – a cul-de-sac, minor loop, or minor access street, serving a limited number of dwellings.

Minor Access Roads

Minor access roads are at the lower end of the road hierarchy. They can most readily and safely accommodate different uses together – cars, bicycles and pedestrians. This is because each serves a limited number of houses and is designed for small volumes of traffic at low speeds.

Using a greater proportion of roads at the lower end of the road hierarchy can have these advantages: -

- creating a more attractive and human-scale environment;
- increasing safety for all users by lessening traffic volume and speed;
- promoting local character and mixed use of street;

- reducing road construction costs;
- helping to retain existing landscape features by reducing the area needed for roads;
- integrating minor access roads with the open space network.

Shareways and access places are roads serving only a few houses, where the road may be shared by people and cars. They are being successfully used in many subdivisions to create low-key enclaves, oriented to people.

Road Pavement

Within a conventional road reserve width, an attractive and varied streetscape can be created by using narrower, winding roads with parking bays, and footpaths within wider nature strips.

A narrower pavement width in residential streets can save costs, relate better to topographical and landscape features within the road reserve, and create a pleasant, people-oriented street character.

Cost saving result from reducing earthworks, road construction and paving material, and also because there is less water runoff and thus less drainage required.

In many cases only one side of the road will need a footpath. In some cases (e.g. shareways) no footpath may be required.

Road Widths

Width of roads shall be in accordance with the following schedule which is to be read in conjunction with Council's Specifications for Engineering Works. Any submission to vary road widths will be considered on its merits, and should be accompanied by full supporting information.

No minor access road or access way shall provide a through traffic distribution function.

Type of Road	Minimum Width of Road Reserve	Minimum Width of Carriageway
Local Distributor 1 Collector	20m	13m
Local Distributor 2 Subsidiary Collector	20m	11m
Local access road serving more than 15 lots	17m	8m
Minor access road serving no more than 15 lots (including 2 corner lots)	15m	6m
Access way serving no more than 6 lots	15m	3m*

* One slow-moving land with off-pavement parking bays of minimum width 2.4m.

Footpath and Nature Strip

Council wishes to encourage footpath and nature strips treatment which reflects the particular road function and provides a safe and pleasant people-oriented environment for pedestrians and cyclists.

The alignment of footpaths should be designed to serve the needs of safety and pedestrian access to dwellings, open space and other facilities, to retain existing vegetation, and to contribute to the overall landscape planning of the subdivision.

In the case of local access road, minor access roads or access ways, the provision of a footpath on one side of the road only may be approved, where it is demonstrated to Council's satisfaction that

the proposal enhances the residential environment and provides adequate safety and convenience for pedestrians.

The following table gives minimum width requirements for nature strips adjacent to the road.

Type of Road	Minimum Nature Strip	
	Total on Both Sides of road	Each Side
Local Distributor 1	9m	4.5m
Local Distributor 2	7m	3.5m
<hr/>		
Local access road		
Minor access road	9m	4.5m
<hr/>		
Access way	12m	6.0m

Access

Individual vehicle access is required to each lot created by the subdivision by means of ramps or roll gutters or as proposed in the approval specification.

Easement of Supports

Council may require easement of supports in its favour to be created on the linen plan of subdivision, to cover all embankments steeper than 1 in 3 which extend into the lots.

Service Conduits

Where required by a service authority, the applicant shall provide service conduits or sub-mains in-road crossings prior to the construction of the road pavement.

Unconstructed Access

Where proposed lots have a frontage to a dedicated road reserve but no constructed road access exists, a road pavement of an adequate width will be required to ensure safety for through traffic and reasonable access to adjacent lots.

The applicant will be required to provide half of the appropriate road pavement width as a minimum. However, in many cases the requirement may be greater.

All the above works are to be carried out in accordance with Council's specifications for engineering works in urban areas and to approved specifications.

The subdivision proposal should illustrate a circulation system which provide safe and direct pedestrian and bikeway routes between dwellings, primary school and community facilities.

Specific Controls

The Local Distributor 2 (Subsidiary Collector Road) and Local Access Roads as detailed on the DCP Map (Movement Systems) are to be provided as shown. Other roads, shown dashed on the DCP map, are indicative only and may be varied at detailed design/ development application stage.

The bikeways as shown on the DCP map (Movement Systems) are indicative only but must be provided to fulfil the intent of the DCP map. The bikeway leading to the Byron Golf Club boundary needs further discussion with the Club to determine its route to the club house.

In particular bikeways giving access to the proposed primary school on the western side of Broken Head Road and bikeways linking development on both sides of Broken Head Road and to the beach are to be constructed as indicated on the DCP map. A further bikeway linking the release area on the western side of the road to the golf course is also to be provided.

The pedestrian link to the escarpment on the western side of Broken Head Road is also to be provided as indicated on the DCP map (Movement Systems). (NB: Map route is indicative only.)

Section 5 ENVIRONMENTAL SITING

5.1 Lot Sizes, Shapes, Frontage and Setbacks

Detailed Objective

To encourage a range of allotment sizes, shapes, frontages and setbacks to meet the needs, affordability and preferences of different household types.

General Requirements to Satisfy Objectives

Lot Size

This chapter provides for a range of lots sizes in each subdivision, to be integrated throughout the development.

Research in this and other countries has shown that a normal-sized house together with car parking space, private open space and ancillary buildings can easily be accommodated on a site of 400-450m². Smaller housing needs particularly in integrated developments can be accommodated on even smaller lots.

The advantages of smaller lot sizes can include: -

- Greater choice for home-owners
- More efficient use of land
- Lower land cost per lot
- Lower servicing cost per lot
- Less site maintenance

However, as the size of the site is reduces, good site planning and the relationship between sites becomes increasingly important, to ensure each dwelling site have an appropriate aspect, useable private open space and protection from overshadowing and overlocking.

Battle-axe Allotments

Battle-axe of hatched shaped allotments may be permitted in Suffolk Park but will be considered on the merits of each application.

Specific Controls

Battle-axe Allotments

The minimum frontage for battle-axe allotments shall be ten (10) metres and construction of the access way is to be in accordance with Council's Specifications for Engineering Works. A maximum of two (2) lots will be permitted from one (1) access handle coupled with reciprocal right of way.

Lot Size, Shape and Frontage

The size, shape and frontage of each lot is to conform with the following table: -

Residential Zone	Minimum Allotment Areas	Minimum Allotment Frontages
Small Lot Size	400m ²	15m (At Building Line)
General Lot Size	600m ²	18m (At Building Line)
Corner Allotments	800m ²	20m

Residential Zone	Minimum Allotment Areas	Minimum Allotment Frontages
Hatched Shaped Lots (Excluding Access Handle)	900m ²	3m (With reciprocal rights of way up to 6m)
Hatched Shaped Lots adjacent to Public Reserves or Drainage Reserves excluding access handle.	650m ²	3m (With a minimum width of 15m at a distance 8m back from the road alignment)
Fanned Shaped Lots	650m ²	9m (With a minimum width of 15m at a distance 8m back from road alignment)

Notes: To facilitate the arrangement of lot layouts Council may permit up to 25% of lots to have a minimum frontage at the building line of 15m and minimum area of 400m².

5.2 Sunlight

Detailed Objective

To site houses and other buildings to ensure that unobstructed sunlight is received on a reasonable proportion of each allotment or on the face of the building throughout the year, but particularly in winter.

General Requirements to Satisfy Objectives

The proposed layout of lots in a subdivision and the location and form of dwelling units should be such that sufficient winter sunshine is received in each dwelling.

There is adequate shading to protect the dwelling from excessive summer sun particularly from the west and no structure unduly restricts sunshine available to an adjoining lot or dwelling.

Specific Controls

See Chapter No. 1 Part C – Residential Development

Section 6 URBAN SERVICES

6.1 Sewerage

Detailed Objective

All lots within a subdivision to be provided with reticulated sewerage connected to Council's system.

General Requirements to Satisfy Objectives

Sewer shall be provided to all lots within urban zones and satisfactory arrangements shall be made with Council prior to the lodgement of any applicant for subdivision.

All works are to be carried out under the supervision of Council's Community Infrastructure Division and in accordance with approved plans.

Specific Controls

The design and construction of the sewerage facilities must conform to the standard of the Council's Community Infrastructure Division. These standards are detailed in the Standard Requirements for the Subdivision/ Development of Land, adopted by Council in 1986, Section 10.1.14.

In providing sewerage easement reference should also be made to Section 4.4 on 'Tree Preservation' within this chapter.

6.2 Water Supply

Detailed Objective

Water to be provided to all lots

General Requirements to Satisfy Objective

Finished levels, extent, location, size and all other aspects of mains and services shall be to the satisfaction of Council's Community Infrastructure Division. Other general requirements to satisfy the above objective are contained in Council's Standard Requirements for Subdivision/ Development of Land, Section 10.1.15, Provision of Water.

Specific Controls

Water supply easement to be provided for the major augmentation required by the Rous County Council generally in accordance with the route as indicated on the DCP map. The route will follow road reserves wherever possible. Its passage through the significant treed area in the Firebeach's land is indicative only, being dependent on a route being surveyed which avoids the clearance of trees in excess of 3m in height, unless with the consent of Council.

Any other specific controls for the provision of water will be contained in Council's specifications and plans approved by the Community Infrastructure Division.

In providing water supply easements reference should also be made to Section 4.4 on 'Tree Preservation' within this DCP.

6.3 Telephones

Detailed Objective

To ensure that adequate provision by way of easements is made to enable installation of telephone cables and fixtures.

General Requirements to Satisfy Objective

Engineering drawings to show the route of telephone facilities.

Specific Controls

Telephone service shall be installed underground wherever practicable.

In providing telephone cable easements reference should also be made to Section 4.4 on 'Tree Preservation' within this chapter.

6.4 Electricity

Detailed Objective

To provide all lots within the subdivision with an adequate electricity supply.

General Requirements to Satisfy Objective

Northpower standards of electricity provision to be met by applications for subdivision.

In providing electricity easements reference should also be made to Section 4.4 on 'Tree Preservation' within this chapter.

Specific Controls

Electricity services shall be installed underground wherever practicable.

Individuals may choose their own system of providing power subject to compliance with relevant authorities and in keeping with the residential nature of Suffolk Park. On this basis Council may consent to building applications which clearly indicate the ability of the building and intended use to be adequately service by alternatives to traditional reticulated mains power such as by solar power cells subject to:

1. The allotments having reticulated power available by the normal Northpower grid systems and;
2. No hardship or disadvantage is servicing adjacent or nearby urban allotments is caused.

In providing electricity easements reference should also be made to Section 4.4 on 'Tree Preservation' within this chapter.

Section 7 COMMUNITY AND COMMERCIAL FACILITIES

Detailed Objective

To provide for a full range of community and commercial services and facilities commensurate with the needs of the existing and future population of Suffolk Park.

General Requirements to Satisfy Objective

Applications for subdivision to adequately demonstrate that facilities commensurate with the needs of the existing and future populations of Suffolk Park.

General Requirements to Satisfy Objective

Applications for subdivision to adequately demonstrate that facilities for retailing, recreational purposes, education and other community purposes are provided and designed to meet the needs of the residents of Suffolk Park.

Specific Controls

Retail facilities to be provided in the area as shown in the DCP map. Consolidation of the existing commercial centre along Broken Head Road and Clifford Street will be encouraged. A corner store as indicated on DCP map in the new release area will be permitted on a lot that does not exceed 500 square metres. This shop must not have a floor space that exceeds 100 square metres. A primary school site is to be provided as shown in the DCP map. Recreational amenities which map include a squash and gym centre to be provided on the site as shown on the DCP map. An interdenominational church, a community hall, meeting place or similar, and a pre-school to be provided where shown on the DCP map.

Section 8 SPECIAL PROVISIONS

8.1 Infill – Eastern Side of Broken Head Road

Detailed Objective

To maximise use of existing roads, water supply, sewerage and community services. To maximise use of existing zoned land.

General Requirements to Satisfy Objective

Applications to be prepared in accordance with Section 4 Environmental Design (Subdivision) and Section 5 Environmental Siting of this chapter.

Specific Controls

Dual occupancy will be permitted on all sites with an area greater than 600m². Redevelopment will only be allowed when 4 or more lots have been amalgamated. Medium density cluster housing will be permitted on lots in excess of 1000m².

8.2 Cluster Housing (Firebeach's Land)

Detailed Objective

To design a subdivision layout in the area hatched in the DCP map in west Suffolk Park which achieves the maximum retention of the high value vegetation habitat area.

General Requirements to Satisfy Objective

All cluster housing development is to be designed in accordance with the standards as outlined in Chapter No. 1 and a management plan to be prepared for Council approval in accordance with Section 4.4 of this chapter.

Specific Controls

The open space indicated on the DCP map be provided.

8.3 Traffic Management

An area had been nominated for Local Area Traffic Management Study as indicated on the DCP Map.

Ove Arup to be retained to prepare this traffic management plan which will include car parking in proximity to the beach. The work is to commence in March 1989.

In regard to car parking the only space available will be existing constructed and unconstructed road reserves.

Jarman and McLean Streets are to remain unconstructed and to be used as open space, bikeway, drainage and car parking if supported by traffic management study.

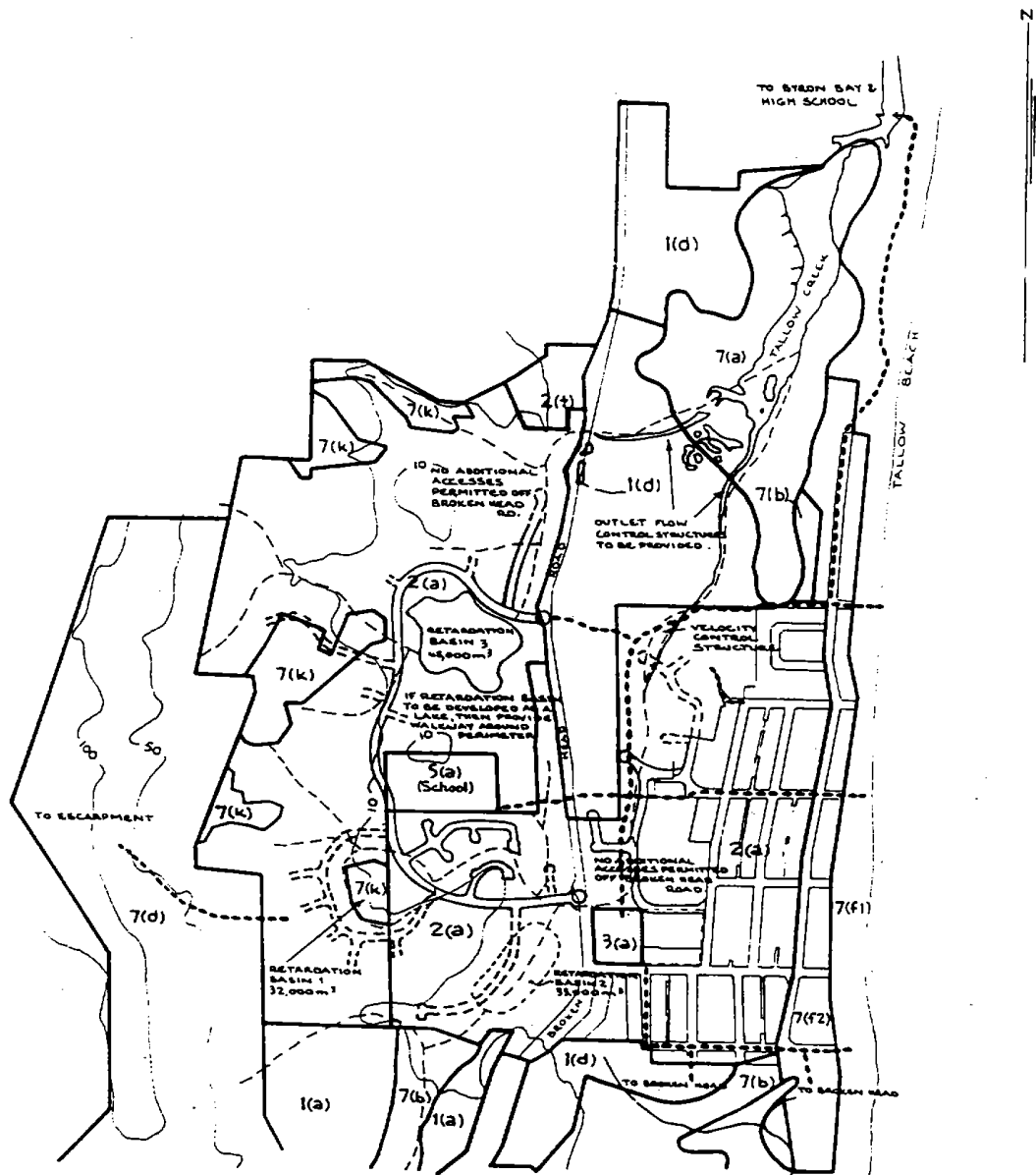
8.4 Tallow Creek

Tallow Creek is defined in this section as being the watercourse existing as at the date the Council adopted this DCP and as may be altered as part of any approved flooding or drainage works within the area the subject of this chapter east of the Broken Head Road. It includes both the creek in its natural and man-made sections.

This chapter provides that a 10 metre wide reserve be provided as measured from the centre of Tallow Creek for public passive recreation and enjoyment with any and every new development application which is approved along its banks.

In additions, all buildings approved, as part of any development application or separate building application must not be located within 5 metres of the outer edge of the 10 metre reserve referred to above.

The purpose of these special provisions is to provide in the long term a public reserve and access along the entire length of Tallow Creek as it exists east of Broken Head Road, excluding the zoned wetland areas.

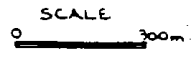


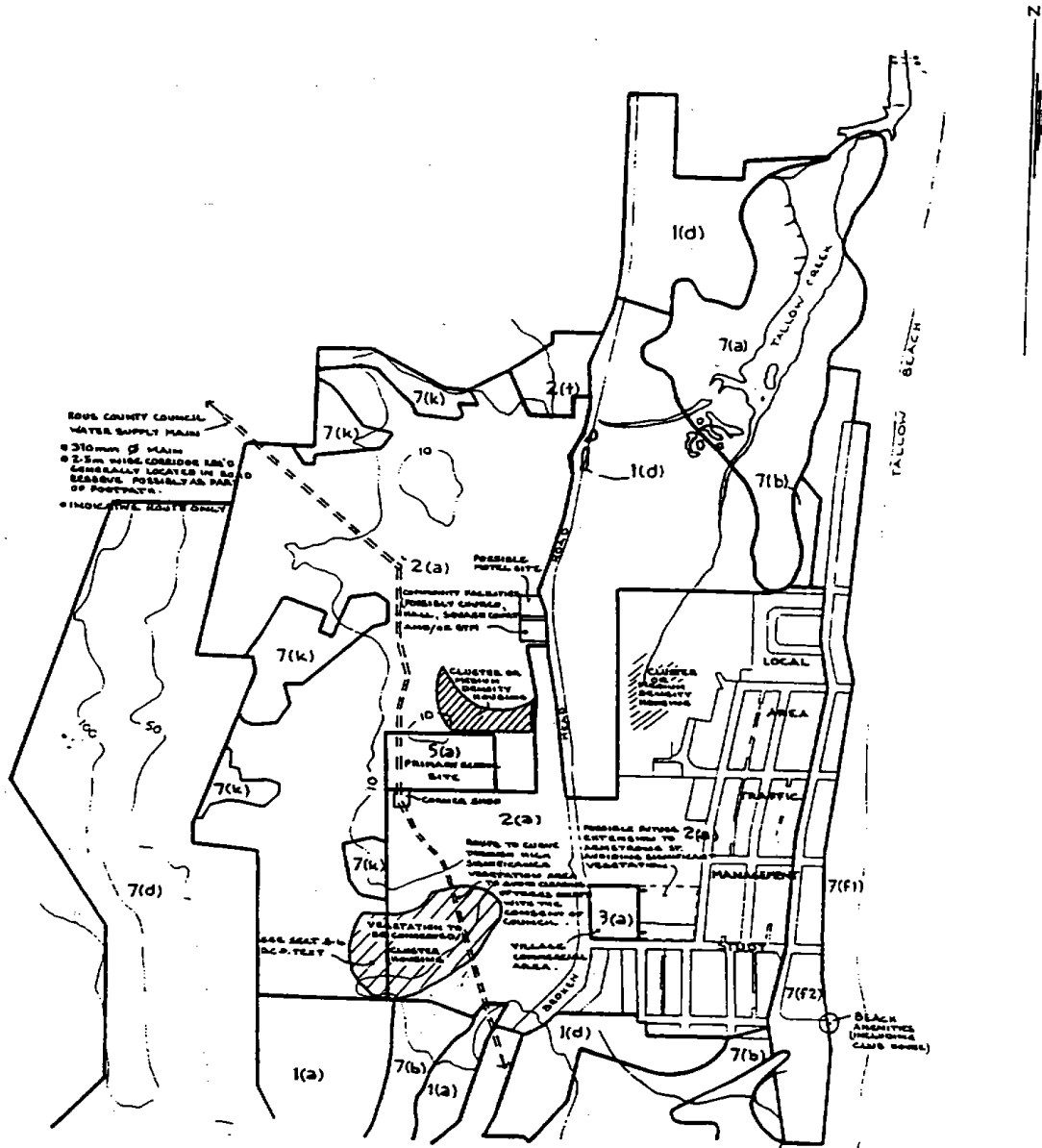
N.B. FULL SET OF DETAIL PLANS HELD IN PLANNING SECTION.

LEGEND

- DRAINAGE SYSTEM
- == ROAD ALIGNMENT FIXED BY D.C.P.
- === ROAD ALIGNMENT CONCEPTUAL ONLY
- ... PEDESTRIAN AND BIKEWAY ROUTES (INDICATIVE)

**SUFFOLK PARK
DEVELOPMENT CONTROL PLAN
DRAINAGE, PEDESTRIAN, BICYCLE
& ROAD MOVEMENT SYSTEMS**

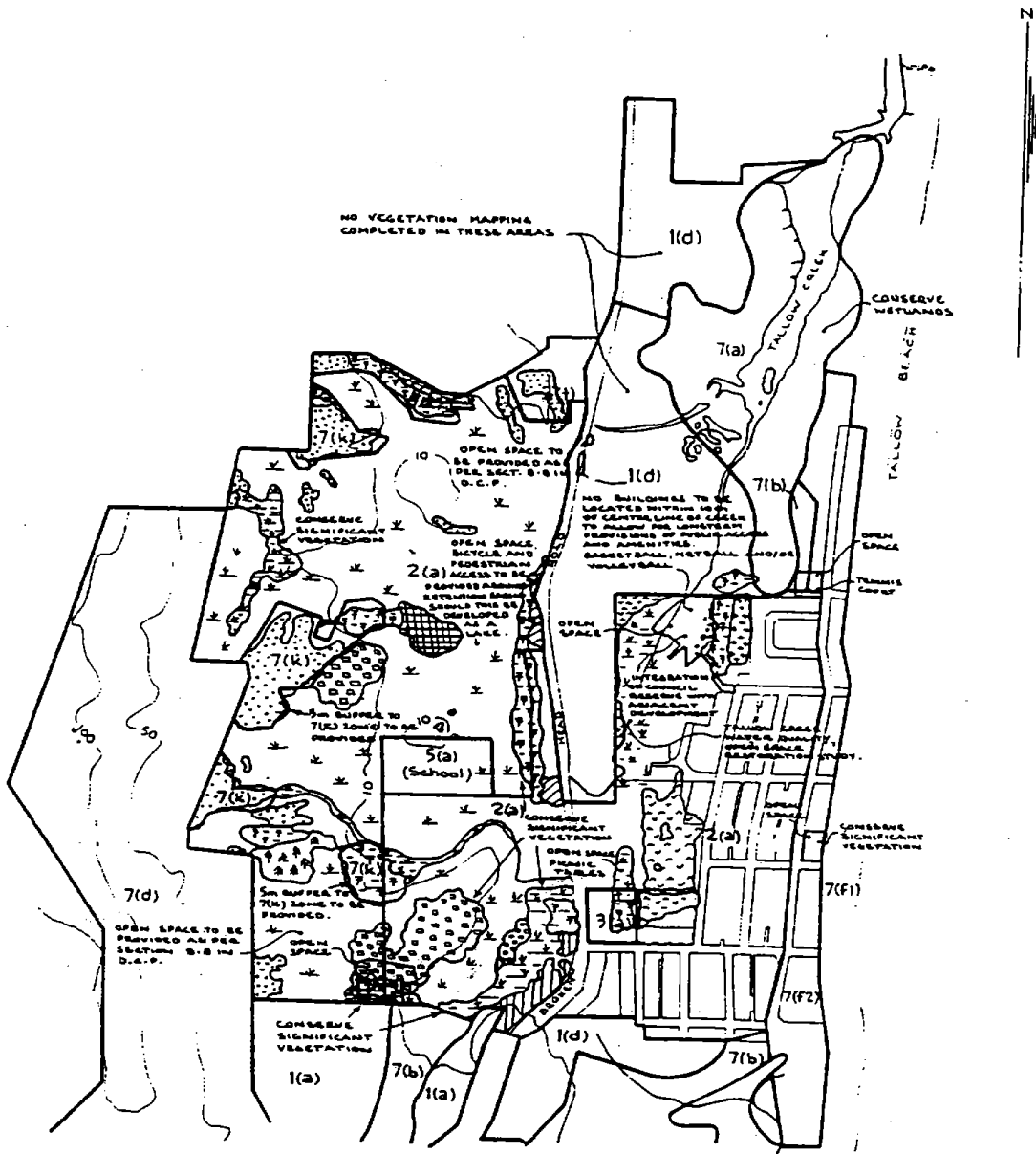




NB. FULL SET OF DETAIL PLANS HELD IN PLANNING SECTION.

SUFFOLK PARK
 DEVELOPMENT CONTROL PLAN
 SPECIAL REQUIREMENTS





NB FULL SET OF DETAIL PLANS HELD IN PLANNING SECTION.

- SUBTROPICAL RAINFOREST
- WET SCLEROPHYLL FOREST
- DRY SCLEROPHYLL FOREST
- SWAMP SCLEROPHYLL FOREST
- SWAMP SCLEROPHYLL WOODLAND
- WET HEATHLAND
- CYPRESS PINE FOREST
- EXOTIC PINE FOREST
- WET SEDGELAND
- OPEN GRASSLAND
- DRY HEATHLAND
- LOW CLOSED HEATH

SUFFOLK PARK
DEVELOPMENT CONTROL PLAN
HABITAT/VEGETATION/OPEN SPACE
SYSTEMS

SCALE
0 300m

Chapter 10:

Coopers Shoot Small Holdings Zone

Document History

Doc No.	Date Amended	Details Comments eg Resolution No.
#216885		Effective 17 October 1989
#216885	14 October 2010	Res 10-696 - to create Draft DCP 2010 for public exhibition
#1018403		Draft DCP 2010 Chapter 10 (public exhibition copy)
#1070384	14 March 2011	Adopted Res 11-169 : format changes applied S94 provisions deleted

CHAPTER 10 – COOPERS SHOOT SMALL HOLDINGS ZONE

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Section 1 GENERAL

1.1 Citation

This plan may be cited as “Byron Shire Development Control Plan 2010 Chapter No 10” and constitutes a development control plan prepared and adopted in accordance with the provisions of section 74C of the Environmental Planning and Assessment Act 1979 and the Regulations thereafter.

1.2 Commencement date

This plan was first effective from 17 October 1989 being the date on which Council formally resolved to adopt the plan. Amendments, if any, are catalogued in clause 7.

1.3 Application

This plan applies to all developments and building applications involving the land zoned Small Holdings 1(c1) and Investigation 1(d), together the residue portions, at Cooper’s Shoot Road, near Suffolk Park.

1.4 Definitions

- “The map” means map titled “Development Control Plan No. 10 Cooper’s Shoot Road Locality Development Guidelines”.
- “Multi-purpose trail” means and unmade Crown of public road reserve, or public right-of-way providing public access for walking and horse-riding purposes and related recreation pursuits.
- “Landscape corridor” means the approximate area shown on map bounded by the broken black lines.

1.5 Relationship to other documents and policies

This plan is part of the comprehensive package of development control plans, codes and policies being introduced to supplement the Shire-wide Byron Local Environmental Plan 1988. As such, this plan gives detailed expression to Council’s policies and guidelines for the developmental management of the Cooper’s Shoot road small holdings zone.

This plan must be read in conjunction with provisions of Byron Local Environmental Plan 1988, being the principle planning instrument applying to the land, the relevant State environmental planning policies and the relevant provisions of the North Coast Regional Environmental Plan 1988. In the event of any inconsistency between this plan and the statutory planning instruments, the provisions of the statutory planning instruments shall prevail.

In particular, this plan should be read in conjunctions with the provisions of Byron Shire DCP 2010 which specifies Council’s objectives, guidelines and development standards for various forms of development, including subdivision (Chapter 1, Part B), residential development (Chapter 1, Part C), landscaping (Chapter 1, Part H) and house location and site design (Chapter 1, Part K).

Section 2 OBJECTIVES

2.1 General

The objectives of the following zones as provided by Byron Environmental Plan 1988 are relevant for the purposes of this plan:

- (i) Zone 1(c1) Small Holdings
- (ii) Zone 1(a) General Rural – residue portions where relevant
- (iii) Zone 1(d) Investigation – residue portions where relevant
- (iv) Zone 7(d) Scenic Escarpment – residue portions where relevant

2.2 Specific Objectives

The specific objectives for the area are:

- (a) to provide small holdings for rural living in an environmentally acceptable manner;
- (b) to maintain and enhance the rural character and amenity of the locality;
- (c) to provide for a variety of rural living opportunities and a variety of lot sizes and house sites;
- (d) to minimise impact on viable agricultural activities and enterprises;
- (e) to encourage increased visual, recreational and rural living amenity by providing a network of windbreaks, shelterbelts, landscape corridors and multi-purpose trails;
- (f) to determine the most appropriate and convenient access system, both vehicular and non-vehicular, to minimise environmental and visual impact and minimise construction and maintenance costs of access system;
- (g) to protect and enhance remnants of natural vegetation and provide for replanting in strategic locations;
- (h) to lay the framework for environmental management and possible future development in the Investigation 1(d) zone areas as a basis for rezoning consideration in response to genuine demand and opportunities;
- (i) to ensure that the proposed development does not visually intrude on sensitive escarpment areas and exposed ridges and avoids slopes and slip-prone areas; and
- (j) to ensure adequate provision is made for the progressive upgrading of community and recreational facilities, services and road to the new demands as development proceeds.

Section 3 COMMUNITY SERVICES AND FACILITIES

3.1 Multi-purpose trail system

Provisions of multi-purpose trail system for non-vehicular access across the area will be required as follows:

- (a) use of the unmade Crown road reserves, including minor relocation of these to accommodate topography, as shown on the map;
- (b) dual use of new minor public roads constructed to access new lots;
- (c) provisions of public rights-of-way linking proposed road and elements such as (a) above;
- (d) provision of horse track along existing Cooper's Shoot Road Reserve in upgrading or reconstruction;
- (e) provision for future public right-of-way, as shown on a map, linking west Suffolk Park and Cooper's Shoot Road along top of escarpment above tree line and cliff and providing access to remnant rainforest copses; and
- (f) landscaping, fencing and minor construction works to provide trail route with appropriate tree planting and revegetation.

3.2 Public open space and public access

Future provision is to be made for siting and dedication for public use of an appropriate scenic lookout area as shown on the map east of Cooper's Shoot Road.

It is not intended to require dedication of land for public open space in small holding subdivision development except as described above and in 3.1.

Contributions will be required towards provision and/ or upgrading of town level open space and recreation facilities in Byron Bay/ Suffolk Park and Bangalow (see 3.5).

3.3 Community facilities

Town level community facilities in Byron Bay/ Suffolk Park and Bangalow as determined by Council's Planning Director from time to time – contributions to be required (see 3.5).

3.4 Road upgrading

The following road upgrading is proposed:

- (a) Cooper's Shoot road for its entire length;
- (b) Piccadilly Road to provide 6m wide pavement; and
- (c) both intersections of Cooper's Shoot road with Main Road 65.

Section 4 DEVELOPMENT GUIDELINES

4.1 Subdivision design principles

Applications are to have regard for the overall site design factors of climate, landform, aspect and views. Geology and soils, drainage and vegetation, access and existing improvements as indicated in section B2.3 "Site Design – Subdivision Code" of Chapter 1 of Byron Shire DCP 2010.

4.2 Lot size and shape

As provided by clause 11 of Byron Local Environmental Plan 1988, the maximum number of residential small holding lots which may be created from a parcel of land is determined by the area in hectares of that part of the land which is zoned 1(c1) divided by 2.5.

The absolute minimum size of any lot within zone 1(c1) is to be 0.4ha. Generally lots should have a depth to width ratio not exceeding 4.1, except where the applicant establishes to Council's satisfaction that special topographical, aspect or locational conditions justify an exception.

A maximum of 2 lots with reciprocal rights-of-way will be permitted from one access handle and minimum road frontage of battleaxe blocks is 7m.

Lot size and characteristics are to be varied in order to provide a range of sizes and types of lots, including:

- small rural home sites
- lots capable of supporting hobby farm or part-time agricultural, equestrian or horticultural pursuits with access to farm dam or spring
- large lots with adequate sized working paddocks or viable horticultural development lots (e.g. residue lots).

4.3 Residue land

This clause applies to a parcel of land which is partly within zone 1(c1) and partly within zones 1(a) or 1(d). Where that part outside the 1(c1) zone (i.e. the residue) is of insufficient size to create a separate lot in accordance with the LEP provisions for the zone (i.e. under 40 ha), Council will require such land to be incorporated within 1 or more lots to be created within the 1(c1) zone. Reference should be made to clause B4.5 of the "Subdivision Code" section of Byron Shire DCP 2010 Chapter 1.

4.4 Zone boundary variation

The boundary between zone 1(c1) and zones 1(a) or 1(d) will be adjusted to better reflect topography and appropriate lot boundaries within these zones in accordance with clause 42(1) (b) as shown on the map.

4.5 Landscaping guidelines

A feature of the current rural landscape in the areas of this plan is the relative absence of significant tree growth. The effective and extensive use of landscaping, particularly tree plants, is required to achieve and enhanced visual and living amenity for residents to provide micro-climate control through shelterbelts to buffer winds and to enhance distant appearance of area as development proceeds along exposed ridges. Specific requirements are:

- (a) screen shelterbelt and windbreak tree planting in nominated locations along new road reserves and rights-of-way at ridges and spurs;

- (b) strategic planting of suitable species, for example as indicated on map, to consolidate and expand existing stands of remnant rainforest trees, including environmental management through fencing and cambium poisoning of unwanted exotics such as privet;
- (c) strategic revegetation and provision of small water storage areas in gullies within subdivision design to create wildlife and waterbird habitats and create visual interest;
- (d) creation of "landscape corridors: along selected lower slope and areas, as shown on map, incorporating some of the above features (b) and (c)
- (e) contribution towards the provision of landscaping of Cooper's Shoot Road Reserve through the planting of tree groupings in selected section as part of the road upgrading program;
- (f) provision of tree planting within multi-purpose trail route traversing or abutting a parcel to be subdivided;
- (g) planting of trees in strategically located copses adjacent to the route of the proposed 66kv electricity transmission line, preferably between 30m and 60m of proposed poles to minimise visual impact of the transmission line through the area;
- (h) choice of species for major tree planting and revegetation should be made from native species listed in Appendix A; exotics should preferably only be planted in house garden areas or for horticultural purposes; and
- (i) refer to "Landscape Code", "House Location and Site Design Code" and "Bushfire Mitigation Code" with Chapter 1 of this DCP for further relevant information.

4.6 House siting

Each lot in a proposed subdivision is to make provision for a suitable house site incorporating the following:-

- avoidance of steep slopes in excess of 20% and slip-prone areas
- avoidance of ridgetops on skyline, too exposed to view and adverse winds
- avoidance of low-lying area
- having easy vehicle access to public road, avoiding excessive side cuts along ridges
- avoid south-facing slopes
- avoid exposure to piggery odour and be located on slope away from direction of piggery where house site is in the vicinity of 1km from the piggery, with planting and fencing of appropriately located windbreak trees to reduce potential odour impact.

Subdivision applications to create rural residential lots should define the house site and indicative building envelope. In such cases building approval only will be required for single dwellings on the lots once created.

Building outside the approved envelope will require development consent for the proposed dwelling.

4.7 Access to water

The subdivision design should provide for as many lots as practicable to be provided with a non-potable water source for non-domestic use such as small dam sites and water tanks. Any

earthworks associated with dam construction to be subject to consent from the Soil Conservation Service and the Department of Water Resources.

4.8 Climate control and aspect

Reference should be made to the “House Location and Site Design Code: within Chapter 1 of this DCP.

4.9 Effluent disposal

Each proposed house site is to have an adequate area nearby with the necessary absorption qualities for septic effluent, being away from any watercourse, steep slope or rocky ground. Details of general suitability for effluent disposal to be submitted with subdivisions application; specific details to be included in building application.

4.10 Subdivision applications

Reference is to be made to the provisions of section B9 of the “Subdivision Code” in Chapter 1 of this DCP.

An environmental report is required to accompany each subdivision application involving land in a 1(c1) zone – clause 13 and Schedule 6 of Byron Local Environmental Plan 1988.

Section 5 SUBDIVISION ROADS AND UTILITIES

5.1 General

Reference should be made to section B4.10 "Design" of the "Subdivision Code" in Chapter 1 of this DCP. Construction and drainage of roads is required for all such subdivision and the design of such works shall comply with Council's specifications for engineering works in rural areas.

5.2 Design guidelines

The road system within the subject lands and points of intersection with Cooper's Shoot Road should generally be in accordance with the indicative layout shown on the map and shall be subject to the approval of Council's Works and Services Director.

The following criteria are to apply to the design and construction of roads:

- (a) location of roads for minimum impact and disturbance to environment and rural landscape;
- (b) low construction costs and minimum future maintenance costs;
- (c) avoidance of long, straight sections of road;
- (d) use of unmade Crown road reserve wherever practical;
- (e) generally follow contours and ridges and avoid steep sections and cuts;
- (f) minor access roads serving new subdivisions to connect to Cooper's Shoot road at intersect points with god sight distance as generally indicated on the map;
- (g) same road corridors to be landscaped on shelterbelts with details to be submitted for approval with engineering works;
- (h) Cooper's Shoot Road to be upgraded, including landscaping of any key sections, to provide a 6m wide seal with provision for a future house track on one side;
- (i) other minor access roads to be 3.6m wide seal with 1.2m wide hard shoulders and within 16m wide road reserves and 7.5m splay corners to be provided to each Type 2 intersection construction:
- (j) new road system to be integrated with multi-purpose trail and walkway/ right-of-way system, as indicated on map;
- (k) avoidance of any through road – all new roads to be cul-de-sac or minor loop; and
- (l) lot layout and house site location to be designed to restrict vehicle crossings directly onto Cooper's Shoot Road; vehicle access to be provided by means of new minor access roads only, with appropriate consent conditions and restriction as to user on lot titles to restrict such direct vehicle access between lots and Cooper's Shoot Road.

Section 6 DEVELOPMENT IN INVESTIGATION ZONE

6.1 Development in investigation zone

Any development, use or management of land zoned investigation 1(d) in the Cooper's Shoot Road area should take into account proposals for landscaping, future access and environmental management expressed in this plan.

Council will have regard for the effectiveness of these measures for landscaping and environmental management in future consideration of rezoning in response to genuine demand.

Section 7 AMENDMENT CATALOGUE

7.1 Amendment catalogue

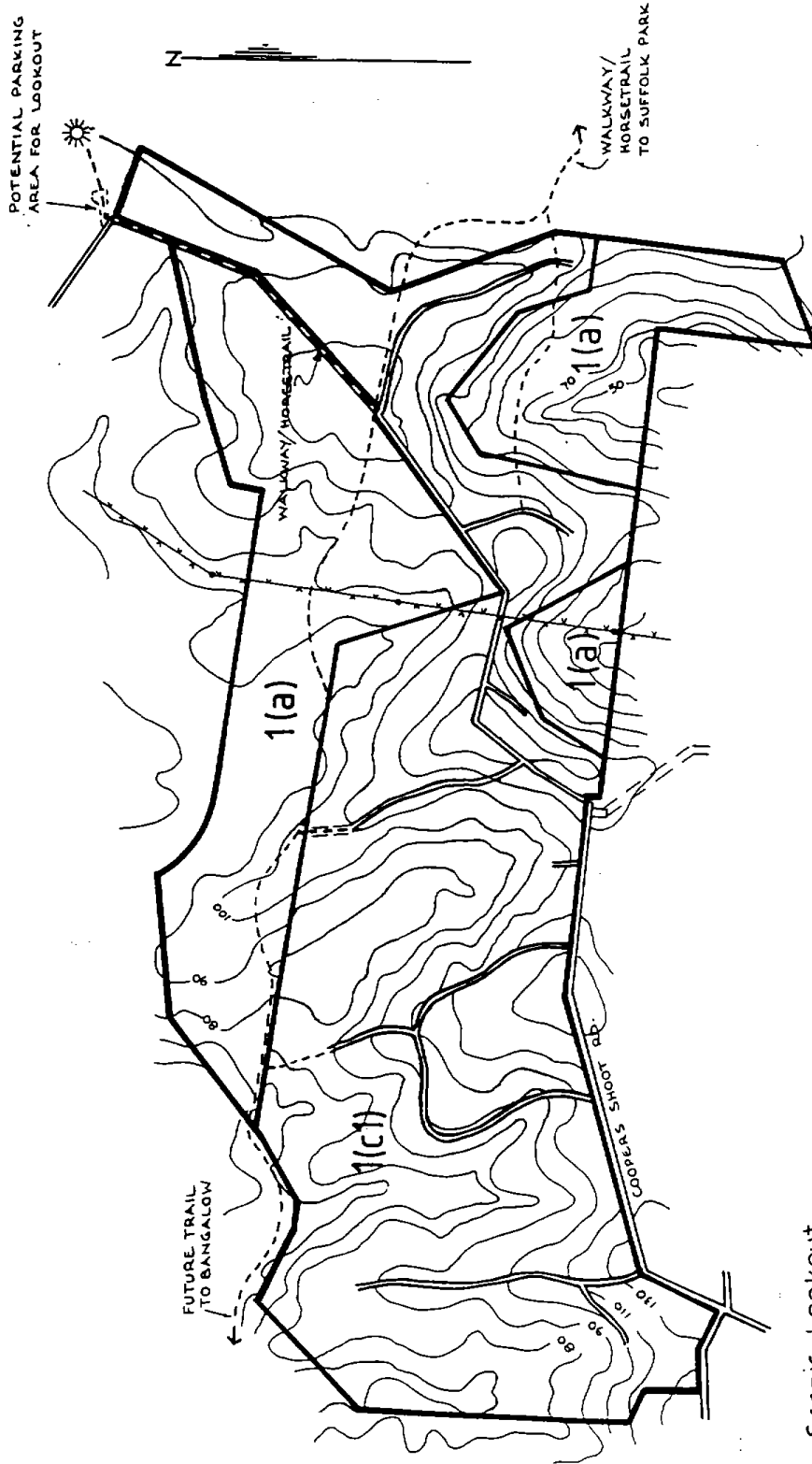
Date	Item
06 June 1988	Council decision to prepare DCP Cooper's Shoot Road small holdings zone
31 February 1989	Council consultant Ian Pickles prepares draft DCP Draft DCP exhibited pursuant to clause 22 of Regulation DCP adopted by Council
3 March 2011	Consolidation of DCP 10 - Coopers Shoot Small Holdings Zone into Byron Shire DCP 2010 as Chapter 10: Coopers Shoot Small Holdings Zone

APPENDIX A

List of preferred native tree species for landscape corridor planting, consolidation of remnant rainforest copses and shelterbelts:

Hoop pine	<i>Araucaria cunninghamii</i>
Bunya pine	<i>Araucaria bidwillii</i>
Tulip oak	<i>Argyrodendron trifoliatum</i>
Lillypilly	<i>Acmena smithii</i>
Tuckeroo	<i>Cupaniopsis anarcardioides</i>
Blackbean	<i>Castanospermum australe</i>
Blue fig/ quandong	<i>Eleocarpus grandis</i>
Brush cherry	<i>Syzygium australe</i>
Coolamon	<i>Syzygium mooreii</i>
Broad-leaved paperbark	<i>Melaleuca quinquenervia</i>
White cedar	<i>Melia azedarach</i>
Tallowwood	<i>Eucalyptus micrcorys</i>
Blackbutt	<i>Eucalyptus pilularis</i>
Swamp mahogany	<i>Eucalyptus robusta</i>
Red mahogany	<i>Eucalyptus resinifera</i>
Sydney blue gum	<i>Eucalyptus saligna</i>
Forest red gum	<i>Eucalyptus tereticorinis</i>
Brush box	<i>Lophostemon confertus</i>

(See also plant list in Chapter 1 of this DCP – landscaping suitable trees and plantings)

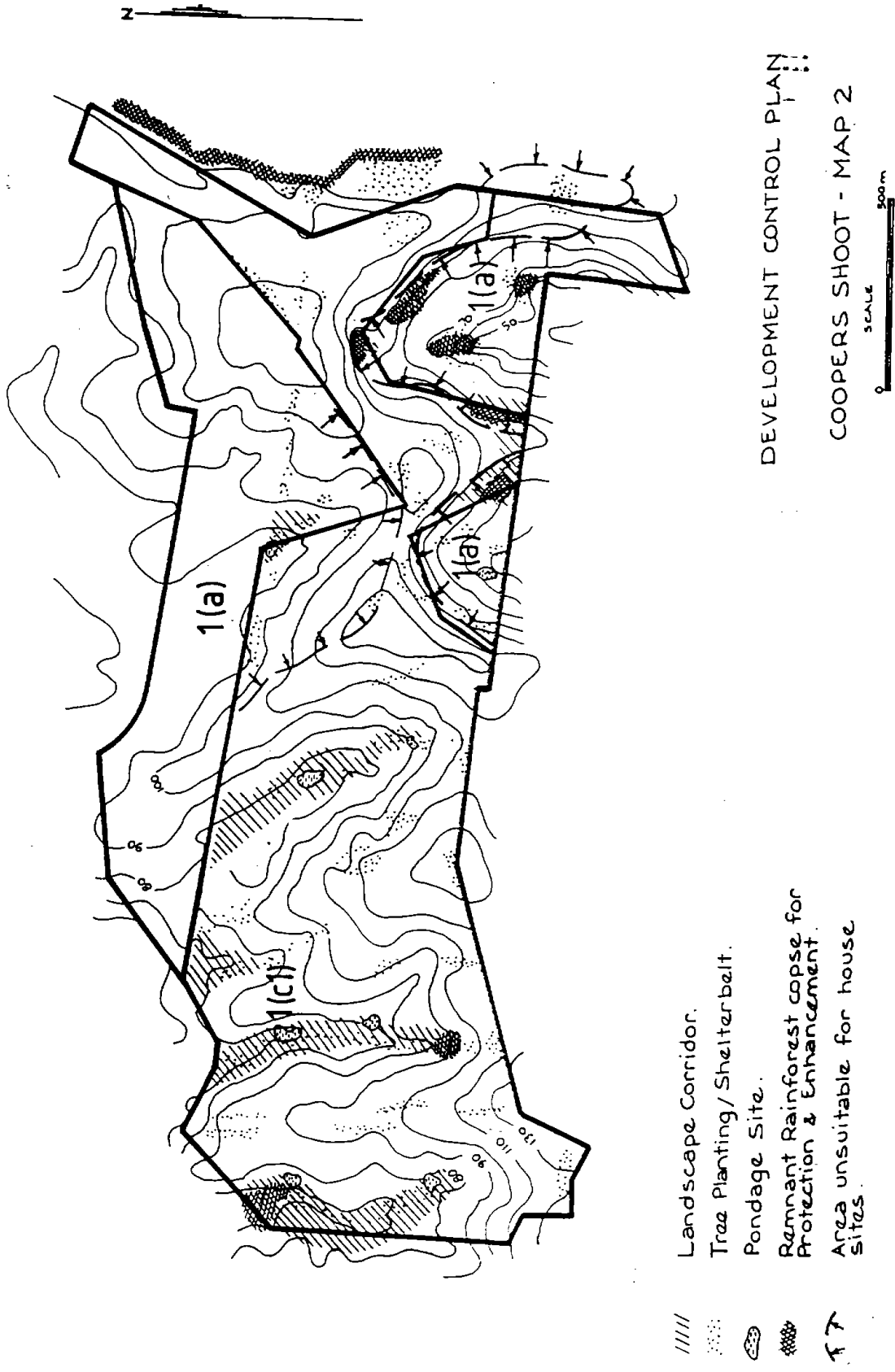


- ☀ Scenic Lookout
- == Existing or Proposed Scaled Road
- ≡≡ Proposed Road Reserve for Future Access
- Zone Boundary
- Multi Purpose Trail
- 66kv Elect. Tr. Line

DEVELOPMENT CONTROL PLAN!

COOPERS SHOOT - MAP 1





Chapter 11:

Mullumbimby

Document History

Doc No.	Date Amended	Details Comments eg Resolution No.
#217119		Effective 11 December 1990
#217119	14 October 2010	Res 10-696 - to create Draft DCP 2010 for public exhibition
#1018411		Draft DCP 2010 Chapter 11 (public exhibition copy)
#1070442	14 March 2011	Adopted Res 11-169 : format changes applied S94 provisions deleted

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Section 1 GENERAL

1.1 Citation

This plan may be cited as “Byron Shire Development Control Plan 2010 Chapter 11” and constitutes a DCP prepared and adopted in accordance with the provisions of section 74C of the Environmental Planning and Assessment Act 1979 and the Regulations thereunder.

1.2 Commencement Date

This plan was first made effective on 11/12/90 being the date on which Council formally resolved to adopt the plan.

1.3 Application

This plan applies to all development and building application involving the land shown on the DCP maps.

1.4 Definitions

“DCP map” means the map marked “Development Control Plan No. 4 – Development Guidelines”.

The definitions of some of the other terms used in this plan may be found in:

- (a) the Byron LEP 1988 and any other environmental planning instrument applying to the land;
- (b) the 1980 Model Provisions adopted by the Byron LEP 1988; and
- (c) the Environmental Planning and Assessment Act 1979, Local Government Act 1919 and other relevant Acts.

1.5 Relationship to other documents and policies

This DCP chapter is part of the comprehensive package of DCP chapters, codes and policies being introduced to supplement the Shire-wide Byron LEP 1988. As such, this chapter gives detailed expression to Council policies and guidelines for the development and environmental management of Mullumbimby, both the existing township and the new residential areas.

This DCP chapter must be read in conjunction with the provisions of the Byron LEP 1988, being the principal planning instrument applying to the land, the relevant SEPPs and the relevant provisions of the North Coast REP 1988. In the event of any inconsistency between this plan and the statutory planning instruments, the provisions of the statutory planning instruments shall prevail.

In particular, this DCP chapter should be read in conjunction with the provisions of Byron Shire DCP 2010 Chapter No. 1 which specifies Council’s objectives, guidelines and development standards for various forms of development, including subdivision (Part B), residential development (Part C), commercial (Part D), car parking (Part G), landscaping (Part H) and house location and site design (Part K).

Section 2 OBJECTIVES OF PLAN

General

The main purpose is to give detailed expression to Council's Planning and Development policies and objectives as set out in the Byron LEP 1988 for Mullumbimby township.

The objectives of the relevant zone applying to the land under the provisions of the Byron LEP are to be taken into account for the purposes of this plan.

Specific objectives

The specific objectives of this plan are:

- (a) to enhance the character and amenity of Mullumbimby as a rural township and ensure that new development compliments the towns character;
- (b) to take advantage of the variety of topography, aspect, views and water course in providing a variety of residential development forms and densities, including innovative small lot and cluster housing and medium density housing in appropriate locations, to give character to the new release areas;
- (c) to provide an upgraded, economic, safe and convenient road and movement system to minimise congestion, integrated with the walkway/ bikeway system;
- (d) to ensure efficient and cost effective provision of engineering works and services for new development to achieve minimum construction and maintenance costs;
- (e) to provide an upgraded network of public open space based primarily on the river park system and integrated with the walkway/ bikeway system to meet the needs of the expanding town;
- (f) to provide realistic guidelines for the growth of commercial and non-residential uses to support the increasing population and respond to tourism opportunities;
- (g) to establish guidelines to ensure new development involving buildings of conservation significance sympathetic to the heritage character with realistic criteria for extensions, alterations and infill development in terms of scale, detailing, design, materials, signage, etc.
- (h) to make provision for upgrading of community and recreation facilities to meet the needs of the growing population;
- (i) to facilitate the orderly and staged development of the town;
- (j) to ensure that new development does not intrude on important landscape elements such as ridgelines;
- (k) to ensure that new development avoids constrained land such as steeply sloping areas or flood liable land; and
- (l) to lay the framework for future access and services to potential future housing area and environmental management of these areas as a basis for future rezoning consideration in response to genuine demand for housing.

Section 3 URBAN DESIGN GUIDELINES – EXISTING TOWN

3.1 Character

The existing character derives from a number of components:

- (a) the surrounding backdrop of steep hills visible from most parts of the town and a wide straight street grid-iron system of the older parts of town;
- (b) the lush, subtropical environment, particularly in the riverside area and street trees;
- (c) the commercial area is a pleasing mixture of 1 and 2 storey buildings, many with interesting original shopfronts and decorated parapets and landmark buildings predominantly with steep pitched roofs, usually corrugated iron; and
- (d) the older residential area is characterised by single storey houses dated predominantly from the 1890s to the 1930s in light painted weatherboards, large silver iron roofs in hips of gables of generous proportions with high eaves above ground heights. In addition, well established gardens predominate.

The DCP chapter will require that any proposed development respects and complements the historical and architectural significance of its setting as set out in the guidelines hereunder. Reference should be made to Map 1 for location of precinct areas.

3.2 New buildings in established areas

To preserve the existing character of Mullumbimby's established areas it is important the new buildings or renovations to existing buildings respect the old. New buildings should sit comfortably in the existing environment by the use of sympathetic elements and demonstrate a continuation of the evolutionary building process that is the heritage of Mullumbimby.

New buildings should not be "faked" copies of old buildings or made to look old, but should be designed and placed so that they reflect the modern progressive thinking of the community yet do not overwhelm the neighbouring architectural characteristics. This requires careful designing as even the use of the above commonly used modern materials such as brick and tile can seem inappropriate when placed in the context of an historic environment. The redevelopment of vacant sites or buildings of non-contributory character is an opportunity to provide sensitively designed new buildings that will strengthen the architectural qualities of the area. In addition, the architectural qualities of the surrounding area provided design influences that make the design of infill buildings much simpler.

3.3 Heritage buildings

The Byron LEP 1988 recognises 7 buildings as "items of environmental heritage" as follows:

Westpac Bank, Burringbar Street
 National Bank, Burringbar Street
 Mullumbimby Courthouse
 "Cedar House", 140 Dalley Street
 "Summerset", Azalea Street
 Church of England, Stuart Street
 Heritage Museum, Myocum Street

Development or demolition involving these buildings is subject to the special provisions of clauses 18.22 of the Byron LEP 1988 relating to matters required to be assessed by Council in determining an application, special development incentives and public notification procedures.

In addition, the 2 buildings listed below are recognised as of sufficient heritage value to be

recommended for inclusion in the Byron LEP 1988 as “items of environmental heritage”. Council will have full regard for the matters raised in clause 19 of the LEP in considering any proposal for development, including alterations or additions involving these buildings and land surrounding the buildings.

Convent, Casuarina Street
Manse, Casuarina Street

3.4 Central Business District –Precinct 1

3.4.1 General guidelines

An aim of this DCP chapter is to encourage the central business and shopping area to remain compact and maximise shopper accessibility. Map 5 indicates Council’s development guidelines for this precinct.

Public accessibility within the commercial area is to be improved by provision of walkways/ arcades within commercial redevelopment linking the laneways and car parking areas to the main commercial street frontages.

Out door eating area are encouraged.

Council will take steps to encourage:

- (a) the creation of a node or central place for information display and directions and shopper resting place in Burringbar Street, adjacent to the Post Office; and
- (b) town entry display/ outdoor sculpture/ direction sign structure or facility in the vicinity of the intersection between Station/ Argyle/ Burringbar Streets, west of the railway crossing in conjunctions with the redesign of this intersection and provision of public parking and landscaped area in the adjacent leased SRA land.

Such facilities should extend the theme established by the community based Mullumbimby “Gateway” project at the Pacific Highway corner.

Provision of rear parking and arcade/ walkway connections will be encouraged in new commercial developments, linking parking area and rear service lanes with the shopping streets.

That part of the railway land north of the railway crossing with frontage to Station Street will be considered for the land term provision of public parking and open space and relocation of the Telecom depot.

The long term creation of a civic uses precinct will be encourage on sites on the north side of Burringbar Street, west of Gordon Street, to take advantage of the riverfront park location as the potential to relocate the existing semi-industrial/ depot uses to more appropriate sites becomes available.

3.4.2 Character of Buildings

The buildings of most significant character in this area are:

National Australia Bank
Westpac Bank
Commercial Hotel
2 storey building (39-49 Burringbar Street), diagonally opposite Commercial Hotel
2 storey building (55 Burringbar Street), wast of Westpac Bank
Courthouse

All of these buildings, except for the courthouse, are 2 storey and all but the timber 2 storey building on the eastern side of the Westpac Bank have steep hipped roofs. Five of these buildings have or had verandahs so that sun control and a sense of light and shade are very important. Wide eaves at the roof are also a common feature. Wall materials are either red brick with light painted contrasts or in a light painted finish over weatherboard or rendered brickwork. Roof materials are predominantly in galvanised iron, although tiles are to be found in the National Australia Bank and on several new developments. Windows are small, of vertical proportion and solid wall area accounts for the greater part of the wall area. Large areas of glass are not common. The floor-to-floor heights within these buildings are greater than now used with the result that these buildings stand well above the newer flat roofed developments.

The majority of commercial buildings however are of a lower scale, have a parapeted front with minor relief and are of single storey. New developments should consider the following points:

Scale – 2 storey is preferable with ground floor ceiling heights less than the significant buildings so they do not lose their importance, but not less than 10%. Single storey buildings could be designed to take a future second storey.

Form – a hipped roof or hipped gabled roof with pitch between 25-30 degrees is preferable. If a flat roof is chosen, it should be concealed by a parapet having a height of at least equal to 50% of the ground floor height. Flat unrelieved parapets should be avoided and relief in the form of string courses, ledges, cornices or cappings should be considered.

The elevations of the commercial buildings in Appendix 5 are provided to facilitate comparison of the scale and form between proposed new development and existing development within the commercial area.

Applicants will be required to provide a street elevation of the proposed building or extension/renovation set into the existing street elevation.

Materials – most new buildings will be built in brickwork to suit fire prevention requirements but this does not need to be left in face work. It should be noted that although the majority of buildings in Burringbar Street are in a face brick, a large number are painted and this adds much interest to the street. Painted cement rendered brickwork should be considered as an alternative to face brickwork. In addition, the newer trend of roughly laid imitation sandstock bricks is out of character with the older more traditional well-laid bricks.

Verandahs and awnings – an important amenity for pedestrians in a hot and wet climate is adequate protection from the weather and verandahs or awnings over the footpath fulfil this purpose. Generally, there is good footpath coverage except for the banks, which are not designed to provide this amenity. New development should be encouraged to provide footpath awnings in a style sympathetic to the adjoining awnings. Buildings such as the Commercial Hotel and 55 Burringbar Street look very mutilated without their original 2 storey verandahs and these should be restored to the buildings so that they can then remake a major contribution to the streetscape. The use of verandah posts supporting these verandahs is allowed under present building ordinances and encouraged by Council.

Signs – uncoordinated and poorly thought out advertising signs and shop names can do great damage to the visual qualities of the streetscape and deserve special consideration. Signs should be complimentary to the building on which they are placed and should not detract from nor dominate the architectural features nor prejudice the appearance of adjacent buildings. When considering the placement or design of a sign, the following points should be considered.

Is a sign really needed, or is the window display of the activities or products adequate enough?

What is the most important information to be conveyed?

Where and how will people be viewing the sign? Will they be moving in a car or on foot?

How would the sign fit in with existing signs on the shopfront of the building?

How should the sign compliment the central business precinct?

How many signs are really needed?

Shopfronts – many original shopfronts remain in Mullumbimby either in heavily moulded timber or nickel plated frames with leadlight highlights. These original shopfronts contribute much to the character of the shopping area and their retention and reinstatement should be regarded as necessary. New buildings should consider the importance of a well design shopfront using material compatible with neighbouring earlier shopfronts and avoid bland low cost materials such as aluminium. In additions, recessed entry doors to shops create interest in the line of shopfronts.

3.5 Central Mullumbimby residential – Precinct 2

This area comprises the main residential section of the existing form located between the railway and the river, to the north and south of the central business precinct.

3.5.1 Character of buildings

A number of houses in this area are good examples of their type and contribute significantly to the character of the area. These are:

4 Dalley Street
 22 Gordon Street
 6 Jubilee Avenue
 8 Jubilee Avenue
 5 Fern Street
 138 Dalley Street
 140 Dalley Street (“Cedar House”)
 87 Station Street
 4 Tyagarah Street

Although these 9 have been singled out, there are many others that use common design features or materials that contribute to a consistent architectural character in this area. The majority of these houses generally belong to an era of 1890-1930 and with this area there are few intrusive buildings. As in all eras of building, the common use of available materials and social aspirations produces buildings of compatible appearance. Just as the earthy tone brickwork and dark tile low pitched roofs identify newer residential developments, so do the light painted weatherboard walls with steep galvanised iron roofs identify this older established area. Other features that identify this older area are:

Scale – the scale of the buildings is much higher (caused by many buildings being raised to a safe floor level), higher floor to ceiling heights that now commonly used and steep pitched roofs. This overall height is most significant and the introduction of new domestic buildings with slab-on-the-ground construction, 2.4 metre ceiling heights and low pitched roofed produces and incompatible relationship between the scale of the buildings. Eaves heights above the ground should reflect the common heights in the immediate existing surrounds and preferably be within plus or minus 10% of the existing buildings. Similarly, roof pitches should be compatible with the commonly used pitches, i.e. between 25 degrees and 35 degrees.

Materials – most of the earlier buildings are in painted weatherboard and this use of this is still appropriate. If brickwork is desired, it is worth considering bagging and painting it so that the important colour component in the area is not lost. Where reflective glare is likely, silver, white or light grey should be avoided.

Verandahs - nearly all the older houses enjoy the amenity of verandahs and wide eaves giving maximum protection from the weather and providing an important transition space between the garden and the house proper. New residences should be encouraged to include this feature.

Fences – many of the buildings in this area would be greatly enhanced by the inclusion of an appropriate and sympathetic fence to the street. When constructed using details belonging to the period of the house and painted in sympathetic colours, they add much interest to the streetscape.

3.5.2 *Infill development guidelines*

Opportunities for infill housing in the form of dual occupancy development, townhouse development or resubdivision are available where:

- (a) the applicant can demonstrate an adequate site area or lot sizes in accordance with DCP No. 1 (Parts B and C) – Subdivision and Residential;
- (b) adequate access is available. For instance, where a rear land may be sealed or where an adequate 6 metre battle-axe accessway is available with reciprocal right-of-way, if required; and
- (c) suitable lot shape, dwelling sites and dwelling design can be established so that Council is satisfied that the proposed dwellings are compatible with adjacent existing housing and do not unnecessarily intrude the privacy of neighbours.

Consideration of any change of use or proposed alteration or addition involving the small industrial area at Mill Street (old Norco butter factory site) will have particular regard to the need to minimise interference by noise, etc. to adjacent residential premises and the limitation imposed by lack of off-street parking and adequate loading bays and flood protection measures.

Railway land north of the existing Telecom depot in Station Street is recommended for open space buffer and drainage reserve.

3.6 **East Mullumbimby – Precinct 3**

This is a later developed area than the central residential area and contains many houses dating from the 1940s to the present time. As development has spread steadily east, so have the architectural styles changed from painted weatherboard or asbestos cement sheets houses with galvanised iron or corrugated asbestos roofs to the brick and tile wooden houses now consistently appearing.

The older houses, as in Precinct 1, have common features of painted walls and high scale. When redeveloping within the precinct, the qualities of adjoining houses exhibiting character should be considered such that scale, eaves heights, roof pitches, wall finishes and siting are compatible. The continuation of painted or precoloured materials is important. No particular building has been singled out in this area for its architectural quality but rather, the character derives from the group as a whole.

Since much of the area is subject to marginal flooding in the 1% flood event, flood protection measures are to be included in the design of new development.

3.7 **West Mullumbimby residential – Precinct 4**

The western area are predominantly of new brick and tile construction and although this has produced its own character, attention to climate control by wide eaves and verandahs and the planting of gardens and trees that will mature to offer colour and shade like the established gardens will be beneficial.

Four buildings contribute significantly to the character of this precinct, these being:

No. 2 Main Arm Road
Casuarina Street (Manse)
Casuarina Street (Convent)
Main Arm Road, Inverary (out of town)

Others such as lot 10, Riverside Drive, give strong support to these.

As for Precincts 2 and 3, the different scale, light coloured wall materials, steep galvanised iron roofs, verandahs, fences and well-established gardens are important characteristics of older buildings in this area. When developing next to or near buildings of this character, care should be taken in the building design to achieve compatibility.

Section 4 DEVELOPMENT GUIDELINES – NEW URBAN AREAS

4.1 General

Applicants are to have regards for the overall design requirements for various forms of residential development as set out in Chapter 1 (Part C) – Residential and (Part B) Subdivision. In particular, the environmental design criteria and urban subdivision criteria are to be observed.

Reference is to be made to “Development Guidelines – General” (Map 4) for indicative road layout, preferred location of open space and medium density housing to be recognised in preparation of applicants.

A minimum proportion of 10% of all new dwelling-house lots are to be 450-550 m² in area (small lots) dispersed through a new release areas for the purpose of achieving greater efficiency in use of serviced urban land and to provide for future demands for diversity in household types.

Medium density/ cluster housing is to be located in the localities specified on the map and generally medium density sites should comprise a minimum of 10% of land within a particular release area.

Designers of subdivisions are also referred to in the Australian Model Code for Residential Development, June 1989, Commonwealth Department of Industry, Technology and Commerce (Joint Venture for More Affordable Housing Task Force). Innovative small lot subdivision is encouraged provided that the subdivision design is based on an integrated approach linking site planning, dwelling location, road and drainage design and open space (private and public) in one process. Pedestrian scale landscaped designs for minor access roads are sought based on the technical information in the above document and achieving cost effective, quality housing subdivisions provide a variety of lot sizes and types, giving high amenity and safety.

4.2 Area west of Azalea Street – Precinct 5

The undulating topography and north-facing aspects will lend themselves to curvilinear layouts and innovative cost effective subdivision practice as described in 4.1. The scale of streetscape and length of visual runs will contract greatly with the existing town grid-iron pattern.

Subdivision design is to be based on roads as small in section (both road reserve and road seal) as necessary to serve the traffic function of the road with minor access roads designed specifically for low vehicle speed (20-30 kph maximum) to provide a public street environment safe for pedestrians.

The prominent east/ west ridgeling is to be avoided by house sites and roads and open space corridors should avoid cutting across the landform.

The open space system focuses on the river corridor and the extension along the fully forming the northern boundary of this area.

Preferred cluster housing/ medium density sites are located adjacent to open space corridors.

Provision is made for the site of future neighbourhood shop/ community centre as shown.

4.3 Riverside Drive area – Precinct 6

Continuing residential development and subdivisions of this area is to be in accordance with the “Development Guidelines” map in relation to access roads, location of medium density and open space, pedestrian links, etc.

A neighbourhood shop site and future caravan park site are provided adjacent to Chinbible Street subject to satisfactory access point and flood protection measures/ site works at the south-eastern corner of the showground.

Section 5 DEVELOPMENT GUIDELINES – RURAL RESIDENTIAL

5.1 Left Bank Road – Precinct 7

Requirements for lot sizes, shapes, frontages, setbacks, house siting and effluent disposal are specified in Chapter 1 and the Byron LEP 1988.

The access road and trail system, areas to be protected as open space, shelterbelts to improve the amenity, etc., are generally to be as shown on the map. The ridgeline, steep slopes, areas of trees, waterlogged and low-lying areas are to be avoided by house sites and access roading.

5.2 Orchid Avenue/ Station Street area – south end of Precinct 2

House sites are to be restricted to the low flood free ridge located north of Saltwater Creek.

Section 6 ROADS AND MOVEMENT SYSTEMS

6.1 Byron Shire DCP 2010 Chapter 1 criteria

Unless varied by this DCP chapter, road design and associated drainage systems are to comply with the appropriate provisions of Chapter 1, viz:

Part B Section 7.3 “Drainage” and Section 7.8 “Pedestrian, Bikeways and Vehicle Movement Systems”:

This section address the following criteria:

- Roads to be integrated into the design of the development
- Priority to be given to the safety and convenience of pedestrians and cyclists
- Road hierarchy
- Provision for trucks and buses
- Pavement widths, footpaths and nature strips
- Access to lots
- Easements for steep embankments
- Provisions of conduits for service mains
- Construction of access

6.2 Road location criteria

The road system within the release area and the points of intersection with existing roads should generally be in accordance with the detailed provisions of this DCP chapter and with the indicative layout shown on the included maps and shall be subject to the approval of Council’s Works and Services Director.

Roads are to be located with minimum impact and disturbance to the environment and landscape. Significant individual trees and stands of vegetation should be preserved where possible.

Roads are to generally follow contours and ridges and avoid steep sections and cuts.

Long straight sections of road are to be avoided.

6.3 Design and construction standards

Construction and drainage of roads are required for all subdivision and the design of such works is to comply with Council’s Specification for Engineering Works.

Road design is to encourage low construction costs and minimum future maintenance costs.

New roads are to be determined as either through roads, minor loops or cul-de-sacs to reflect their traffic carrying function in the road hierarchy as indicated on “Roads, Movement Systems and Services” (Map 3). Guidelines are given in Chapter 1 (Part b) – Subdivision.

Minor access roads serving new subdivisions are to connect with existing roads at intersect points with satisfactory sight distances.

Traffic safety and vehicle speed reduction devices are to be used in appropriate locations on new subdivision roads in order to clearly define for motorists the entry into low speed residential access streets. For example, carriageway constructions and islands with raised paved crossings may be used. These devices should be integrated with landscaping elements.

Road pavements in ribbed concrete or paving blocks with compacted edges and passing bays down to 3.7 metres width and narrower road reserves may only be permitted where the subdivision design can establish to the satisfaction of the Council’s Works and Services Director that an integrated design does not compromise pedestrian or traffic safety and achieves the technical

design criteria contained in Sections B4 to B8 of the “Australian Model Code for Residential Development” (referred to in Section 4.1 of this DCP chapter).

Lot layout and house site locations are to be designed to minimise the need for vehicle access directly onto existing arterial roads. Wherever possible, vehicle access is to be provided by means of new minor access roads.

Any roads provided by the developer are to be integrated with the proposed Local Area Traffic Management Scheme for the Riverside Drive/ Pine Avenue area. Where proposed infill lots or new lots are served by an existing unsealed or unmade land or road, the land or road is to be fully constructed to the full length of the lot.

6.4 Flood free access

Provision of flood free access is required from Clay’s Road to Left Bank Road. This road may be initially constructed as a single land, unsealed as a conditions of approval to subdivision of land as shown on the “Development Guidelines” map.

6.5 Intersections

The increased vehicular traffic generated by the proposed developments requires that several existing road intersections be upgraded or modified to effect traffic control. These intersections are described below.

Contributions will be required from developments in the release areas generating the added traffic. Developers are advised to discuss these contributions with Council at preliminary subdivision layout stage.

- (a) The access point from any residential development servicing the land north of the Council depot will require a Class C intersection to Tunnel Road.
- (b) The intersection of Main Arm road with Coolamon Scenic Drive (Tunnel Road) will require and upgraded intersection to Council’s design.
- (c) The intersection of Pine Avenue with Main Arm Road will require an intersection upgrading in increase traffic safety to Council’s design.
- (d) The intersection of Azalea Street with Jubilee Avenue will require intersection upgrading in conjunction with upgrading of Jubilee Avenue and bus turning and car parking.
- (e) The intersection of Azalea Street with Left Bank Road will require intersection upgrading to recognise Left Bank road as the major road.

6.6 Pedestrian cycleway

New road systems are to be integrated with the pedestrian/ cycleway system as indicated on the maps.

Section 94 contributions will be required from lots in the West Mullumbimby release areas to provide for eventual construction of a pedestrian/ cycleway bridge over the Brunswick River.

Section 7 URBAN SERVICES

7.1 Water Supply

Water is to be provided to all lots within urban zones. Satisfactory arrangements shall be made with Council before lodgement of any application for subdivision.

Augmentation of the water supply required to cater for the developments covered by this DCP chapter will be provided as part of Council's adopted Works Program and will be funded by the adopted section 94 headworks contributions.

Internal reticulation and metering is to be provided by the developer using an approved contractor. All works are to be carried out under the supervision of Council in accordance with approved plans.

7.2 Sewerage

Augmentation of the treatment works, pump stations and rising mains as required to cater for the developments covered by this DCP chapter will be provided as part of Council's adopted Works Program and will be funded by the adopted section 94 headworks contributions per allotments created.

Sewer is to be provided to all lots within urban zones. Satisfactory arrangements shall be made with Council before lodgement of any application for subdivision.

Reticulation is to be provided by the developer using an approved contractor. All works are to be carried out under the supervision of Council in accordance with approved plans.

7.3 Stormwater

Reference is made to Section 7.3 (Drainage) of Chapter 1 (Part B) – Subdivision for requirements. Maximum use is to be made of unsealed surfaces to retain stormwater surcharge with design of drainage easements and system to the specific standards in Council's Specification for Engineering Works.

For overland flow design, all swales shall provide for the 1% flood event and design of road drainage and piped drainage system and structures are to be designed to provide for flows of the 5 year recurrence event.

7.4 Waste management

Contributions will be required from urban and rural residential subdivision developments to provide a future waste management facility in the location decided by Council.

7.5 Electricity

Underground electricity reticulation is required for urban developments. Written evidence of satisfactory arrangements with Northpower will be required and adequate easements are to be provided as required by Northpower.

7.6 Telephone

Adequate easements are to be provided to ensure that telephone facilities may be installed. Written evidence from Telstra is to be submitted indicating that the proposed subdivision can be served by telephone.

Telephone services are to be underground wherever practical with common trenching for water supply, Telstra and electricity reticulation.

7.7 Specific requirements for Precinct 5

Prior to the granting of subdivision approval for further residential development in the area west of Azalea Street (Precinct 5). Council will require the submission of a satisfactory engineering services design for the provision of water, sewerage and drainage services to the whole of the precinct.

Section 8 DEVELOPMENT HAZARDS

8.1 Flooding

New subdivision on flood liable land are to be designed so that all house sites and access roads are filled to the minimum 1% or 1 in 100 year flood level, however the subdivision design may locate some open space with the flood liable area.

Council may require a flood study at the cost of the applicant to demonstrate satisfactory flood protection of buildings and that the proposed fill and development will not adversely affect the flooding of property elsewhere.

The minimum habitable floor level of all building is to be 500 mm above the 1% flood level as determined by Council's Works and Services Director.

Council may permit development in established areas that are marginally flood affected for the purposes of minor infill or extensions without requiring landfill, subject to assessment by Council's Works and Services Director.

On an infill development site the maximum depth of fill is to be 600 mm. No filling or variation to ground levels within 1 metre of the boundary alignment other than as necessary to bring surface undulations to an even gradient consistent with the gradient of adjacent land.

8.2 Geotechnical

Council will require a certificate from a practising structural engineer in conjunction with a geotechnical report on the subject land in accordance with the requirements of clause 7.11 of the Chapter 1 (Part b) – Subdivision.

Unhealthy land under the Public Health Act is declared for site in Ann Street and Orchid Place (See "Constraints" map). On these sites, a geotechnical report will be required to determine the extent of the unsatisfactory material and the amount of removal and clean fill required. On completion of site works and filling, a geotechnical certificate from a suitably qualified engineer will be required to evidence that the site is satisfactory for building. The developer will be required to have the notice under the Public Health Act revoked in respect of the land prior to commencement of building construction.

Section 9 OPEN SPACE AND RECREATION

9.1 Open space and recreation

Reference is made to Section 7.7 of Chapter 1 – Subdivision.

Public open space is to be provided by dedication as subdivision or redevelopment occurs to form an integrated network and functional hierarchy of open space as shown on the “Development Guidelines: map at the ratio of 3 ha per 1,000 population.

The principal open space element to be enhanced and extended is the riverside open space corridor.

A potential boat ramp location is shown within the park, north of Mill Street (Precinct 2).

New neighbourhood parks or playgrounds with a minimum area of 700 m² are generally to be provided so that no new urban dwelling lot is located further than 200 metres from a park.

Council may accept a monetary contribution in lieu of provision of dedicated open space.

Provision should be made for future sportsfields on the land north of the gully in Precinct 5.

Contributions will be required for embellishment of town recreation facilities.

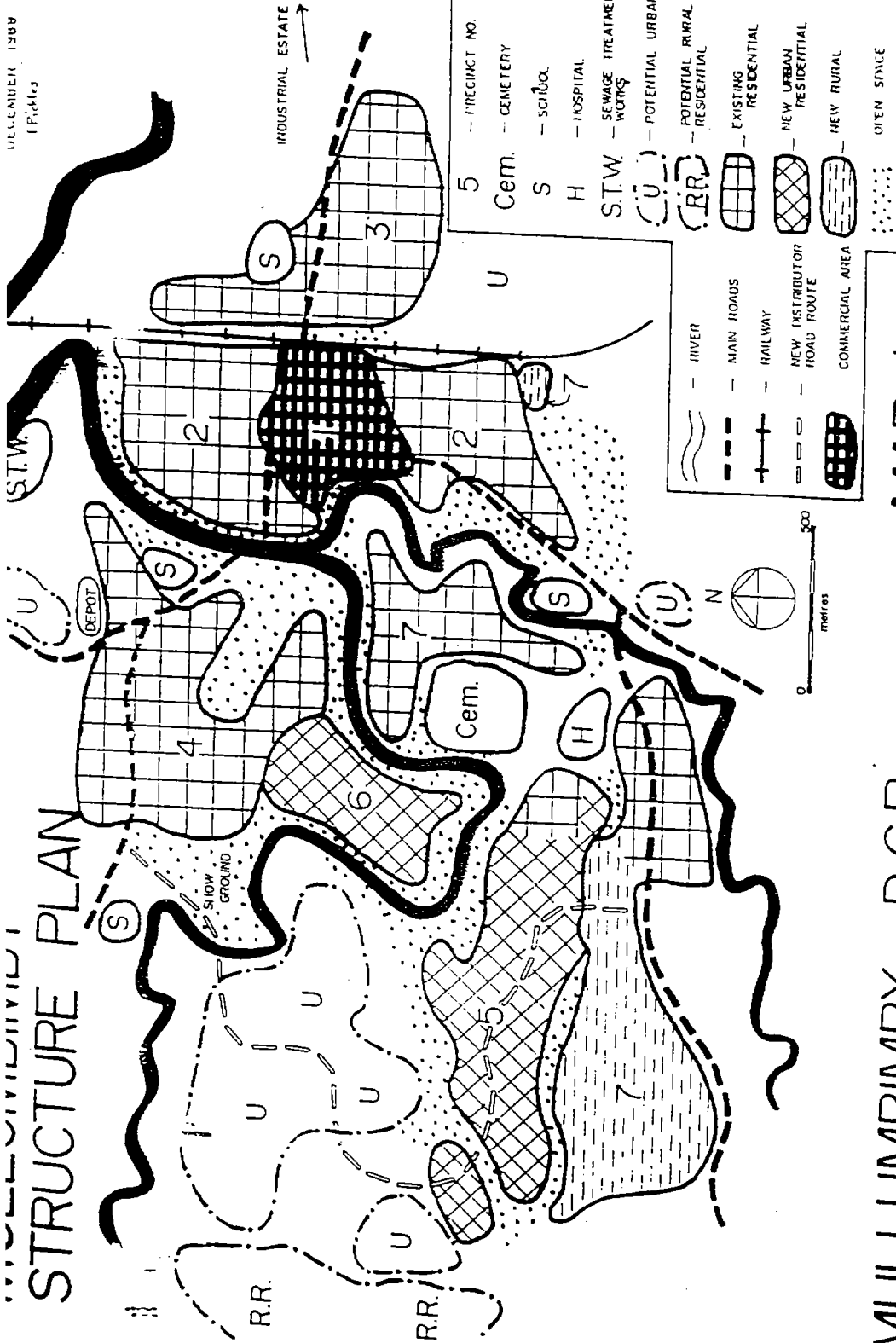
Section 10 COMMUNITY FACILITIES

10.1 Community facilities

Existing town community facilities are to be upgraded utilising section 94 contributions to be required for new subdivisions or development to support anticipated population growth.

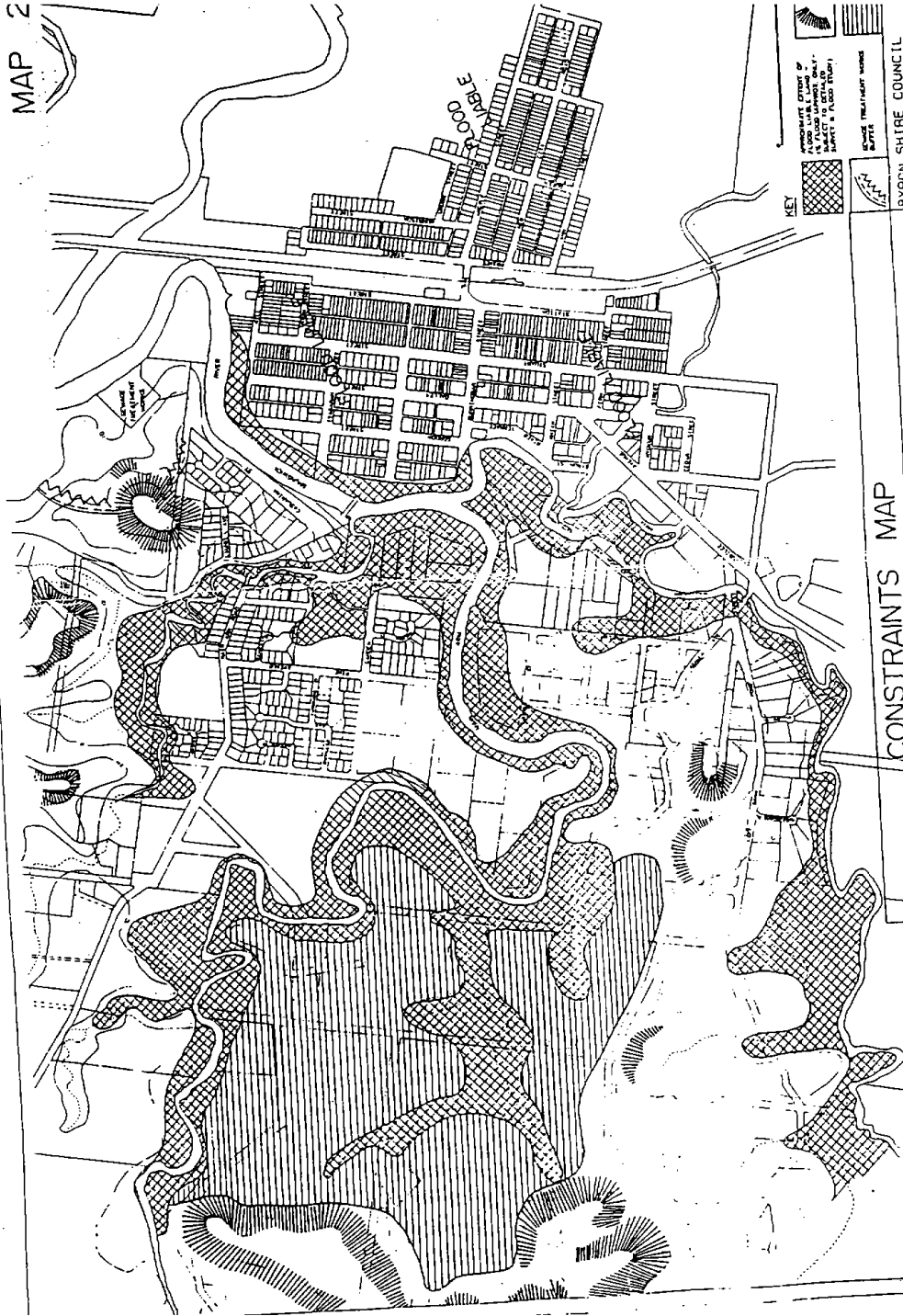
Provision is to be made for the dedication of a site of approximately 2,000 m² in Precinct 5 for a community building.

MULLUMBIMBY 1989
1:10,000



MULLUMBIMBY D.C.P. MAP 1

MAP 2



CONSTRAINTS MAP

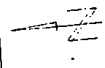
DEVELOPMENT CONTROL PLAN
MULLUMBIMBY

BYRON SHIRE COUNCIL
 Leason Street
 BYRON BAY NSW 2461 Fax: (066) 246 1111
 Tel: (066) 93 6500

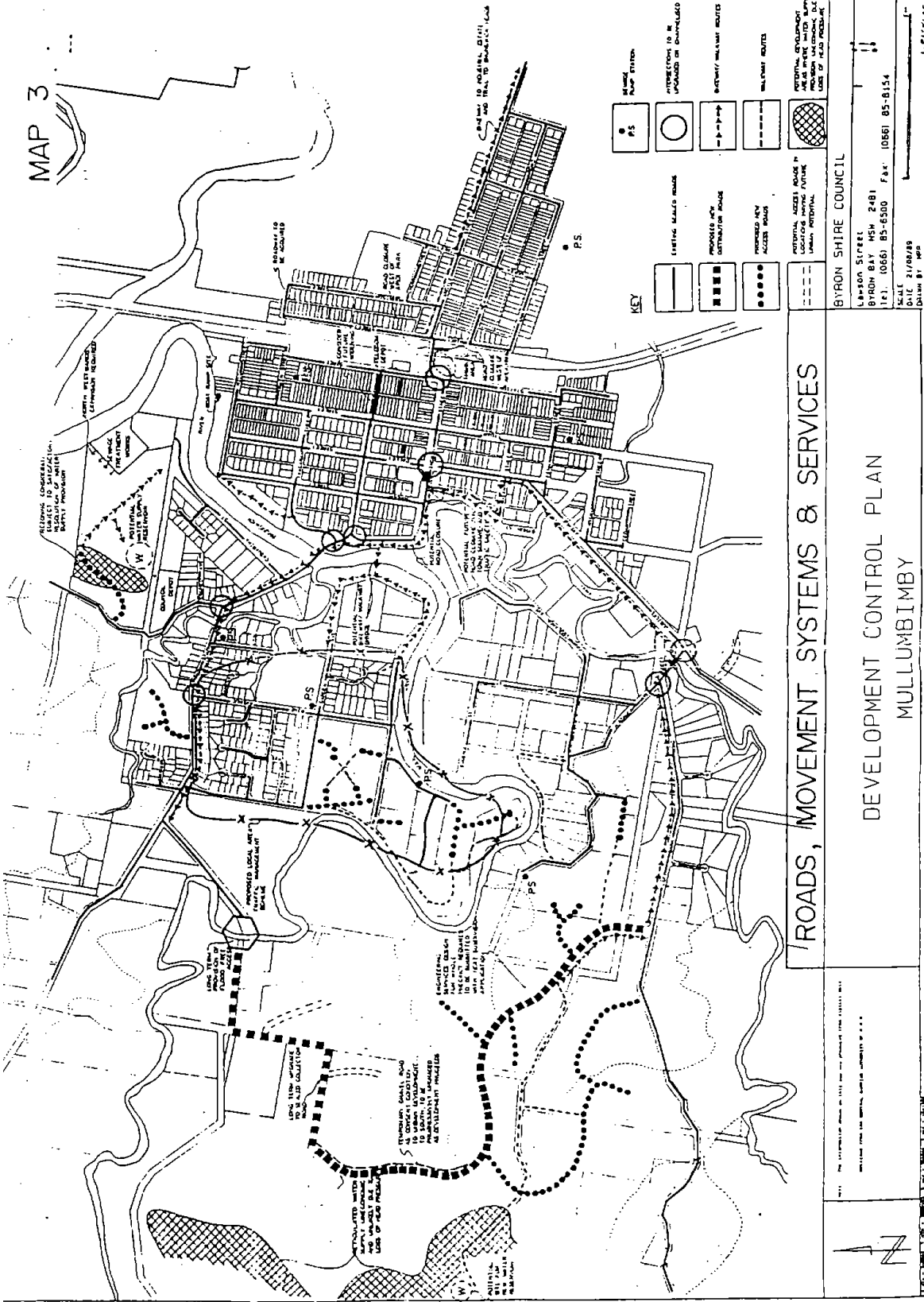
DATE: 27/06/08
 DRAWN BY: JMB

KEY
 UNDESIRABLE EFFECT OF FLOOD LIVES & LOSS OF PRODUCTIVITY
 SUBJECT TO BATHING SURVEY & FLOOD STUDY
 FLOOD RISK
 FLOOD RISK

NOTE: THE INFORMATION SHOWN ON THIS MAP WAS PREPARED FROM THE LATEST DATA AVAILABLE FROM THE OFFICE OF THE LOCAL GOVERNMENT OF BYRON BAY



MAP 3

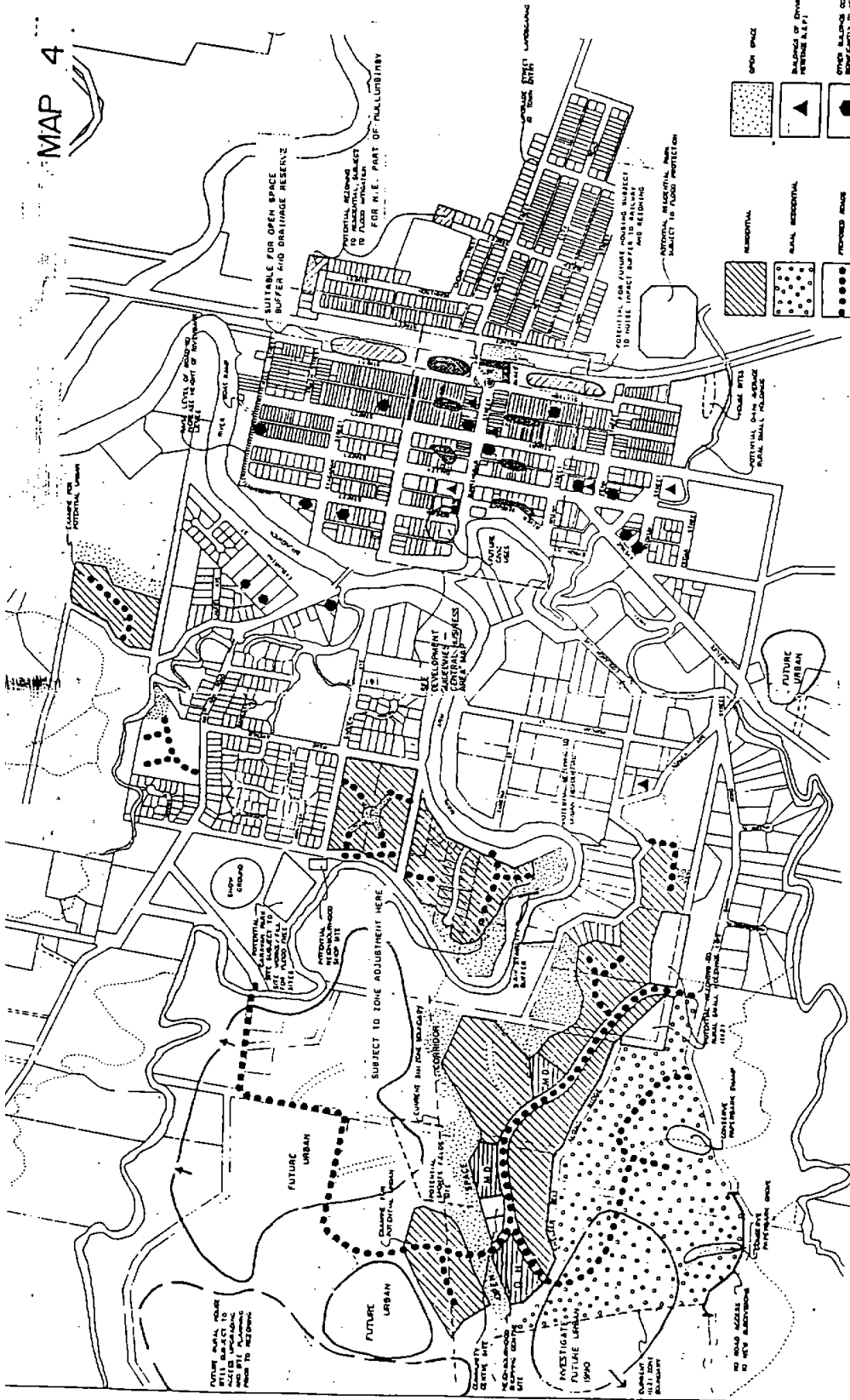


ROADS, MOVEMENT SYSTEMS & SERVICES

DEVELOPMENT CONTROL PLAN
MULLUMBIMBY

BYRON SHIRE COUNCIL
Lawson Street
BYRON BAY NSW 2481
Tel: (066) 85-6500 Fax: (066) 85-8154
Scale
Date 21/08/89
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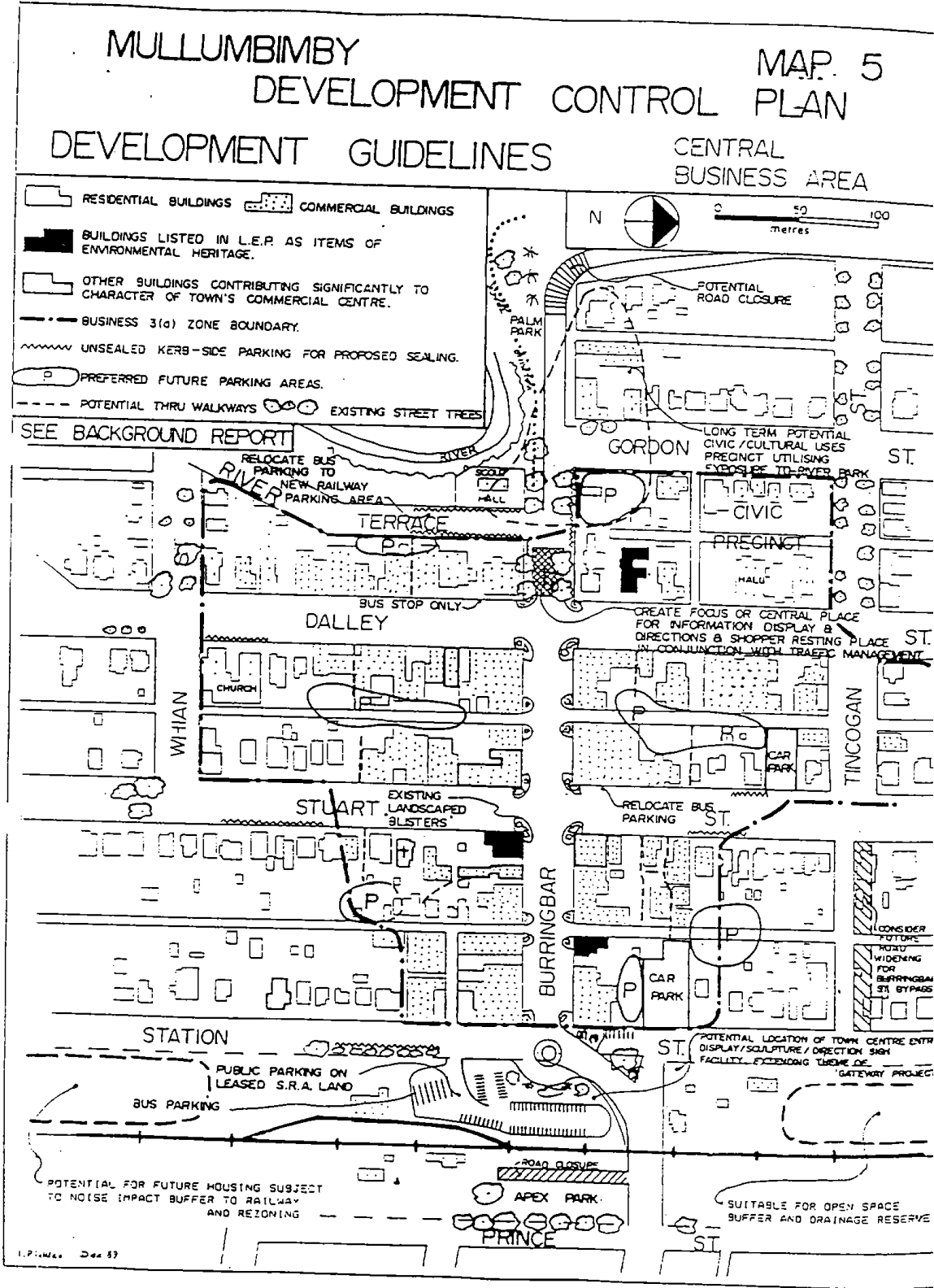
MAP 4

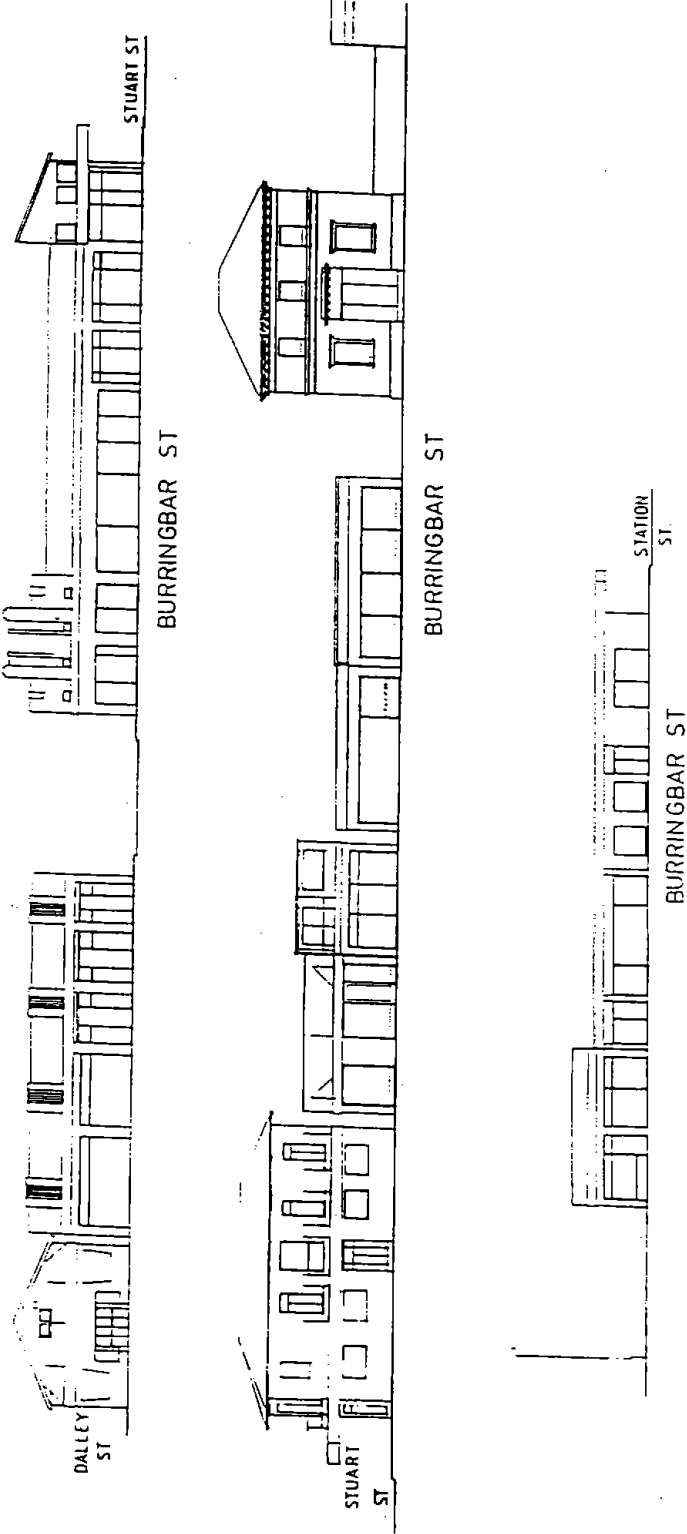


DEVELOPMENT GUIDELINES - GENERAL

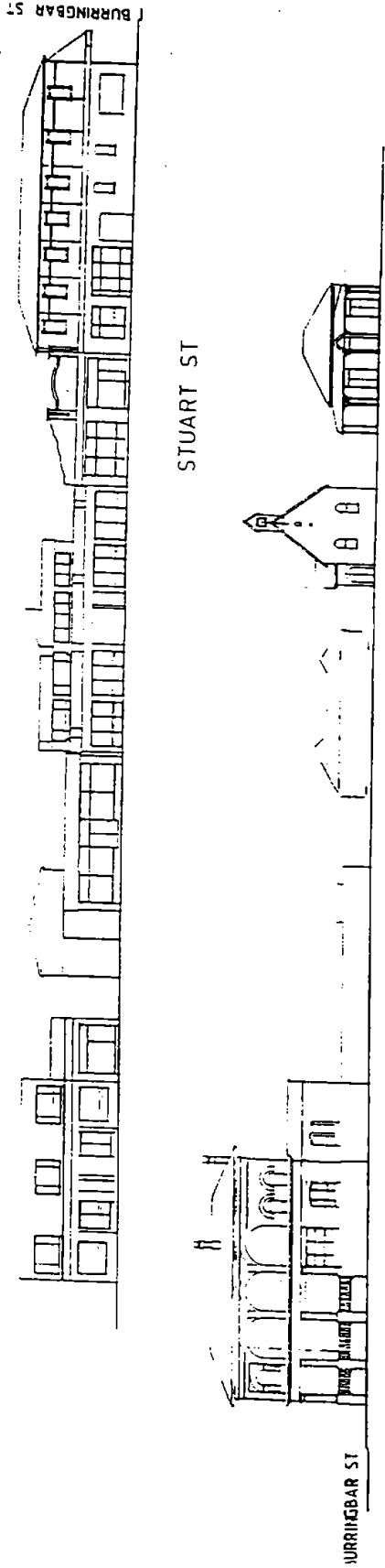
DEVELOPMENT CONTROL PLAN
MULLUMBIMBY

BYRON SHIRE COUNCIL
 Lawson Street
 BYRON BAY NSW 2481
 Tel: (066) 85-6500 Fax: (066) 85-8154
 SCALE: 1:10000
 DATE: 21/08/08

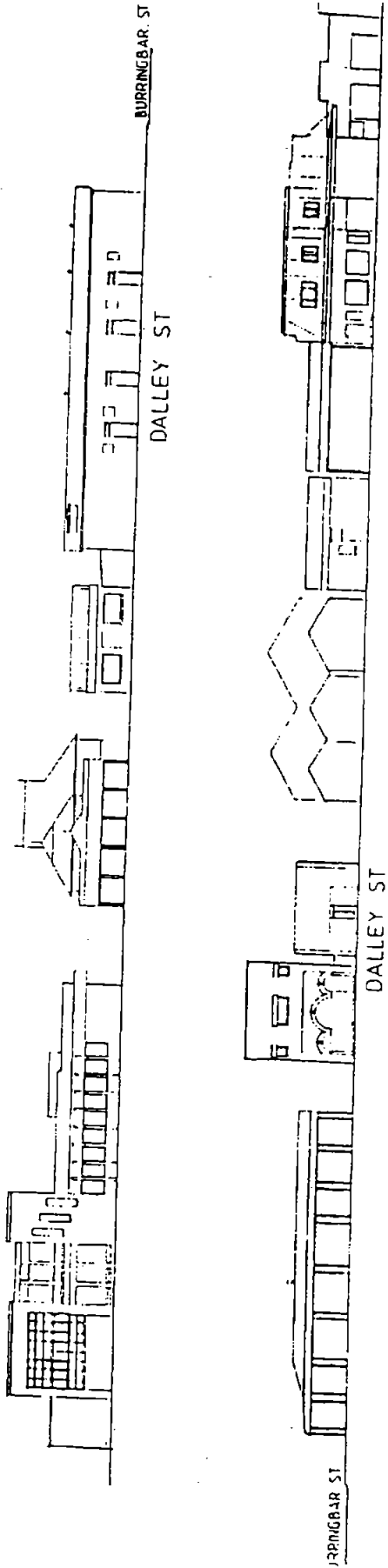




MULLUMBIMBY
DEVELOPMENT CONTROL PLAN
SKETCH 2
Street Elevations of Buildings
in Central Business Area -
(Precinct No.1)



MULLUMBIMBY
 DEVELOPMENT CONTROL PLAN
SKETCH 4
 Street Elevations of Buildings
 in Central Business Area - 1
 (Precinct No.1)



MULLUMBIMBY Draft
 DEVELOPMENT CONTROL PLAN
SKETCH 6

Street Elevations of Buildings
 in Central Business Area
 (Precinct No.1)

Chapter 12:

Bangalow

Document History

Doc No.	Date Amended	Details Comments eg Resolution No.
#217827		Effective 10 December 1991
#217827	14 October 2010	Res 10-696 - to create Draft DCP 2010 for public exhibition
#1018433		Draft DCP 2010 Chapter 12 (public exhibition copy)
#1070497	14 March 2011	Adopted Res 11-169 : format changes applied S94 provisions deleted

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Section 1 GENERAL

1.1. Citation

This plan may be cited as “Byron Shire Development Control Plan 2010 Chapter 12” and constitutes a DCP prepared and adopted in accordance with the provisions of section 74C of the Environmental Planning and Assessment Act 1979 and the regulations thereunder.

1.2. Commencement date

This plan was first made effective on 10 December 1991, being the date on which Council formally resolved to adopt the plan. Amendments, if any, are catalogued in clause 9.

1.3. Application

This plan applies to all development and building applications involving the land in the Bangalow locality shown on the DCP map and the land zoned Industrial 4(a) being the Bangalow Industrial Park.

1.4. Definitions

“DCP map” means the map marked “Development Control Plan No. 12 Development Guidelines”.

“Conservation area” means the area shown on the DCP map by a dashed line comprising the major portion of the established township developed prior to the 1940’s and includes the heritage precinct.

The definitions of some of the other terms used in this plan may be found in:

- (a) the Byron Local Environment Plan 1988, as amended, and any other environmental planning instrument applying to the land;
- (b) the 1980 Model Provisions adopted by the Byron LEP 1988; and
- (c) the Environmental Planning and Assessment Act 1979, Local Government Act 1919 and other relevant Acts.

1.5. Relationship to other document & policies

This DCP chapter is part of the comprehensive package of DCP chapters, codes and policies being introduced to supplement the Shire-wide Byron LEP 1988. As such, this DCP gives detailed expression to Council’s policies and guidelines for the development and environmental management of Bangalow, including the existing township, the new residential areas and the industrial park.

This DCP chapter must be read in conjunction with the provisions of the Byron LEP 1988, being the principal planning instrument applying to the land, the relevant provisions of the North Coast Regional Environmental Plan 1988. In the event of any inconsistency between this plan and the statutory planning instruments, the provisions of the statutory planning instruments shall prevail.

In particular, this DCP chapter should be read in conjunction with the provisions of Chapter 1, which specifies Council’s objectives, guidelines and developments standards for various forms of development, including:

- Subdivision (Part B)
- Residential Development (Part C)
- Commercial (Part D)

- Industrial Development (Part E)
- Car Park (Part G)
- Landscaping (Part H)
- House Location and Site Design (Part K)
- Sign Policy (Part L)

Section 2 OBJECTIVES

2.1. General

The main purpose of this DCP chapter is to give detailed expression to Council's planning and development policies and objectives as set out in Byron LEP 1988 for Bangalow Township.

The objectives of the relevant zones as provided by Byron LEP 1988 are to be taken into account for the purposes of this plan.

2.2. Specific Objectives

The specific objectives of this plan are:

- (a) To maintain and enhance the unique character and amenity of Bangalow as a rural township and encourage new development to complement that special character to strengthen the tourist potential and living amenity of the town.
- (b) To provide for a variety of residential development forms and densities, including innovative cluster housing and medium density which best utilises the particular topography and maximises the use of services.
- (c) To provide development guidelines for the growth of commercial and non-residential uses in the town to support the increased resident population and respond to tourism growth.
- (d) To encourage the economic and orderly development of the Bangalow Industrial Park and provide opportunities for local employment and services.
- (e) To provide guidelines to ensure that the development of the industrial park complements the character of Bangalow and the surrounding rural area in terms of appearance and scale of development.
- (f) To establish specific guidelines for the conservation of buildings identified as historically significant with realistic criteria for extensions, alterations and infill development sympathetic to the important buildings in terms of design, scale, detailing, materials, colours, etc.
- (g) To provide for an upgraded network of public open space, integrated with pedestrian access, cycleway and recreation facilities based primarily on the Byron Creek town park corridor, to meet needs as the town expands.
- (h) To ensure efficient and economic provision of engineering services and utilities for new development, and minimise construction and maintenance costs.
- (i) To allow for the provision and upgrading of community facilities to meet needs as growth occurs.
- (j) To facilitate the orderly and staged development of the town.
- (k) To provide an economic, convenient and safe road and movement system
- (l) To ensure that proposed development does not visually intrude on exposed ridges, avoids environmentally constrained areas such as flood-labile land and steep slopes and takes account of the potential impact of the RTA bypass.
- (m) To lay the framework for environmental management and possible future development in the Investigation 1(d) zone areas as a basis for rezoning consideration in response to genuine demand and opportunities.

Section 3 DEVELOPMENT GUIDELINES

3.1. General

Applicants should have regard for the overall design requirements for various forms of development set out in Chapter 1. The guidelines hereunder give specific criteria for development in various localities within Bangalow to apply to both redevelopment or infill development within the existing township and new development in the new housing or release areas.

3.2. New residential development areas

This clause and clause 3.3 apply to broadacre or undeveloped land areas of Bangalow, being:

- New housing area “A”, west of Rifle Range Road
- New housing area “B”, east of the Pacific Highway bypass
- The area predominantly occupied by the commercial nursery east of Rifle Range Road – area “C”
- The area of steeper land east of Campbell Street and north of the railway line – area “D”

Subject to appropriate rezoning, these clauses will also have application to development in potential release areas, namely:

- Land north of Colin Street zoned 1(d) – area “E”
- Area south of Charlotte Street zoned 1(d) – area “F”
- Land zoned 1(b1) on south-eastern side of the town, south of the Byron Creek and west of the existing Pacific Highway – area “J”

Reference is to be made to the DCP maps for development guidelines, indicative road layout, preferred locations of open space and medium density housing, etc., to be recognised in preparation of development and subdivision applications.

Council will encourage new housing and buildings in the new housing areas to incorporate some of the features of the predominating style of development in the existing town to assist compatibility between new and old development in terms of building materials, colour, roof pitch and materials, etc.

Applicants are to refer to the guidelines and standards for residential development contained in Chapter 1, Residential Development (Part C) and the subdivision site design principles set out in Chapter 1, Subdivision (Part B).

This DCP chapter gives recognition to the growing demand for diversity in residential needs, reflecting changing household types and lifestyles. In all subdivision applications, developers must provide a range of lot sizes, with small lots dispersed through new release areas, except area “D”. Additionally, medium density/ cluster housing should generally be located in the localities specified on the map. Such medium density dwelling unit sites should comprise a minimum of 10% of the land in the particular release area (see section 3.3 below).

3.3. Guidelines for new housing areas

Area “A” – the topography, sloping gently to the creek corridor on the western side of the and with significant stands of bamboo, pine trees and single specimens of native trees lends itself to development of cluster housing featuring some of this vegetation in common open space, located primarily on the western part of the land. Up to 50% of all house lots may be small lots or cluster housing. Subdivision or development is to be designed so that no habitable room is located within 12 metres of the proposed tree planting buffer along the northern boundary of the area. Residential subdivision development is to be staged so that no housing lots are released for registration of the plan north of the line shown on the map prior to the substantial establishment of

the tree buffer.

Area "B" – small lots to be dispersed through subdivision with opportunity for cluster housing or medium density sites adjacent to open space corridors. Applications for residential subdivision or development of the land within 100 metres of the western boundary alignment of the bypass road should be accompanied by a Noise Impact Report by a recognised Acoustic Engineer demonstrating to Council's satisfaction that the environmental objective for noise levels at the worst affected dwelling site of 63dB(A), L10(18hr) will be met, allowing for construction and full use of the bypass, including RTA noise reductions measures. The existing main residence should be retained within a large lot to remain an important visual element in the development area.

Area "C" – subdivision and road pattern dictated to some extent by existing subdivisions.

Area "D" – the predominantly steep slopes require house sites to be positioned carefully on the lower ridges, preferably in small groups, avoiding gullies. There is no requirement for small lots or medium density to be provided on this land.

Area "E" – the road layout is to be an extension of Colin Street. Subdivision roads are to avoid the minor gully that transects the area. Open space is to be provided along Paddy's Creek along the western side of the area.

Area "F" – the road layout is to be a SW loop road extension from the existing cul-de-sacs of Charlotte and Thomas Streets. Development is to avoid the lower flood-prone areas which are to be rezoned to open space.

Area "J" – this area has potential for progressive development subject to rezoning. The lower areas are flood-prone and are to be dedicated and progressively developed for the proposed Shire Botanic Garden. Opportunity for medium density exists in the lower area with proximity to the town centre, as noted on the map. Pedestrian/ cycleway access to town over the creek is to be provided in a convenient location adjacent to the town swimming pool.

3.4. Existing residential areas: infill guidelines

Reference should be made to clause 4.3 since much of the existing township is located with a conservation area.

Dual occupancy is permitted in accordance with the Byron LEP 1988 and Chapter 1 of this DCP.

Any new buildings should be designed to incorporate features, which will render the development compatible in style, roof design, etc., with adjacent buildings contributing to the heritage value of Bangalow (see Section 4 of this DCP chapter).

3.5. Commercial & non-residential development

Most commercial development opportunities are located with the heritage precinct and reference should be made to Section 4 of this DCP chapter and also to the requirements of Chapter 1 (Part D). Outdoor eating is encouraged in Station Street, as envisaged in clause D3.9 (Outdoor eating) of Chapter 1 (Part D).

Future provision may be made for a neighbourhood general store in housing area "A" east of Rifle Range Road, as shown on the map; such site to be about 1000 square metres and to be located adjacent to a private community preschool, sharing access to Rifle Range Road and on-site parking.

Development controls for the Bangalow Industrial Park are detailed in Section 6.

3.6. Parking

Applicants are to refer to Chapter 1 (Part G) Car Parking. For development involving additional commercial floor area, rear on-site parking shall be provided where practicable, particularly as shown on the map. Council may require dedication of land for car parking to form a public parking area within central Bangalow with access to the unnamed land adjacent to the Masonic Hall.

3.7. Landscaping

The effective use of landscaping and tree planting in subdivisions and proposed developments is required to increase the living and visual amenity of the locality and assist in micro-climate control.

The village is set in a concave landform, generally falling to Byron Creek. The highway bypass contained the town on the east and constraints the future urban development to an envelope surrounding the heritage precinct with new development opportunities predominantly in the east and south-east, thus providing a focus into the old village. This enables the existing landscape features to be exploited and reinforced.

Development applicants generally are to have regard for the requirements of Chapter 1 (Part H) Landscaping. Specific Landscaping controls follow for the various new housing areas.

Area "A" – a landscape corridor and spray-drift buffer are to be established along the northern boundary of the property 24 metres wide by dedication, planting and maintenance as consent conditions to the first residential subdivision. The purpose of this landscape corridor and tree planting is to assist in mitigating any potential adverse impact caused by odour from the piggery or spray drift from the orchards to the north. The tree planting is to be carried out in accordance with Figure "F": Tree Planting Buffer Guidelines – adjacent to Rifle Range at west Bangalow".

Area "B" – a landscape corridor 10 metres wide is to be provided and dedicated along the frontage to the arterial road (Byron Road) at the time of subdivision. Provision is also to be made in the subdivision layout for planting of a shelterbelt/ screen along the main ridge within this release area to reduce the effect of cool south-westerly winds. The nominated area of the open paddock immediately west of the existing main residence is to remain developed by roads or buildings to retain the vista from Byron Street. The lower lying northern part of this area will be within the noise impact area of the bypass and should be open space.

Area "D" – subdivision design to include tree planting of steepest slopes with appropriate native species to control erosion and create a desirable amenity and appearance.

Area "J" – the opportunity for future development should be realised in conjunction with the dedicated and development of the riverside areas for a Shire Botanic Garden as shown on the map.

In the heritage precinct, reference should be made to Section 4 of this DCP chapter for streetscape and landscape guidelines.

3.8. Highway bypass: landscape impact

The design of the roadside development associated with the highway bypass should maintain the theme of the rural landscape, i.e. a rural meadow pattern of large open grassed spaces wholly or partly enclosed by trees, mainly along drainage lines. This means that most of the roadside should be grassed with an occasional grouping of rainforest trees. Three groups are proposed: one near the southern departure from the old highway; one associated with Byron Creek; and one near the northern junction with the old highway.

Traffic on the bypass will obtain views of Bangalow. These viewing opportunities are important and must not be screen out by planting trees along the roadside of groups too close to the road.

The bypass traffic will provide a noise source. The roadworks will include roadside acoustic mounding to provide excess attenuation to the accepted 63dB(A) 100-150 metres from the roadside.

Suggested tree species for bypass road planting's;

Cudgerie	<i>Flindersia schottiana</i>
Tulipwood	<i>Harpulia pendula</i>
White Walnut	<i>Crptocarya obovata</i>
Red Carabeen	<i>Geissois benthamii</i>
White Booyong	<i>Argyrodendron trifoliolatum</i>
Lilly Pilly	<i>Acmenasmithii</i>
Bangalow Palm	<i>Archontophoenix cunninghamiana</i>
Blue Fig	<i>Elaeocarpus granis</i>
Red Ash	<i>Alphitonia excelsa</i>
Purple Cherry	<i>Syzygium crebinerve</i>
Coolamon	<i>Syzygium moorei</i>

Pioneer planting species:

Brown Kurrajong	<i>Commersonia bartramia</i>
Blackwood	<i>Acacia melanoxylon</i>
Sweet Pittosporum	<i>Pittosporum undulatum</i>
Macaranga	<i>Macaranga tanarius</i>

3.9. Development applications

Development and subdivision applications are to be prepared and submitted in accordance with the provisions of Section B9 of Chapter 1 (Subdivision) and the instructions on Council's application forms.

Development and subdivision applications involving larger sites shall include a detailed land use budget for the whole of the land with percentages, total areas and numbers of lots and dwellings given over to conventional size lots, small lots, medium density, open space (public and communal), drainage works, walkways and roads, etc., and staging plan for the release of lots.

3.10. Climate control, aspect & House siting

Reference should be made to the "Housing Location and Site Design Code" within Chapter 1.

Section 4 HERITAGE

4.1. Character

The recognition of Bangalow as an historic village of strong individual character has strengthened considerably in recent years and reinforcing the continuity with the past is a major aim of the DCP chapter. Bangalow's character derives from the following:

- (a) For a small rural township there is an unusual, yet impressive scale to the commercial buildings. Most of the commercial buildings date from around the First World War, are of solid brick constructions and have ornate parapets exhibiting later 'Federation' influences. Although the verandahs have gone, there remains a strong sense of originality and compatibility of design.
- (b) The established residential areas are typified by small scale houses, generally light coloured in weatherboard or asbestos-cement sheeting with silver galvanised iron roofs. Hipped or gabled roofs with front verandahs are common to most. A very high proportion of houses would date from 1900-1920 period and exhibition 'Federation' influences in their designs.
- (c) There is generally an absence of inappropriate "intrusive" buildings, either in the commercial or residential areas such that there remains a pleasing architectural harmony about the building in scale, form, materials and colour.
- (d) The relationship of Bangalow's buildings to its undulating topography contributes much to its character, particularly the stepping of buildings down the steep main street.
- (e) The topography and landscape itself create much of the charm and visual attraction of Bangalow and from all approaches to the town and from within the town, all vistas end against evergreen rolling hills.

Council requires that any proposed development fully respects and complements this historic and architectural significance in its setting as set out in these guidelines and provisions.

4.2. Heritage areas: description

The attached Map "B" showing heritage precincts indicates that three separate areas have been defined:

A. Existing heritage precinct

This area was identified in the existing Byron LEP 1988 and encompasses the commercial buildings at the top end of Byron Street and the eastern side of Station Street to the showground entry. It is shown hatched on Map "B".

B. Extension to heritage precinct

In considering any proposal for development involving land in the area shown as "Proposed extension to heritage precinct" on the map, Council will have full regard for all the matters raised in clause 19 of the LEP as if the land were located within a heritage precinct. In so doing, Council considers the subject land to be an integral part of the heritage precinct and recognises that any inappropriate building or development is likely to have an adverse effect on the architectural and historic integrity of the town centre.

This precinct extension area is predominantly residential with close similarities between the buildings. The precinct extends part the Anglican Church at the bottom of the hill across the large residence on the eastern hill. This precinct will therefore comprise all the vista down the main street.

C. Conservation area

Although the heritage precinct along Byron Street contains the most cohesive group of buildings requiring special protection, it is recognised that there are in the surrounding area a great number of buildings, individually or in groups, that collectively makes a major contribution to the town character. The characteristics of light coloured walls and roods again dominate and their contrast with the lushness of the surrounding landscape is important. It is recognised that his character could easily be destroyed by the intrusion of buildings of inappropriate scale or colour and to protect this, a conservation area has been created as shown on the map.

Building guidelines for these three areas follow.

4.3. Development within heritage areas

4.3.1. General

The Byron LEP 1988 recognises the heritage significance of the town by the special provisions relating to “heritage precinct” development. Clauses 18-22 of the Byron LEP set down:

- matters which Council should take into account when assessing any application for development or demolition involving land in the heritage precinct;
- special development incentives where the conservation of a building depends on Council consent to permit any use or depart from any development standard; and
- public notification and advertising requirements for any proposed demolition or proposal involving use of development incentive.

The description and requirements below give detailed expression to the assessment criteria and design requirements for the style, colour, materials, size, form, appearance, etc., of any proposed building, alteration, additions or other development within the “heritage precinct”, the proposed extension to the heritage precinct and the conservation area.

4.3.2. Existing heritage precinct

This precinct contains the following building types:

- 1 and 2 storey commercial buildings, predominantly in rendered brickwork but with some in weatherboard;
- single storey houses in weatherboard and galvanised iron; and
- large showground pavilion in decorative metal cladding with galvanised iron roof.

A. Restoration

The attached Map “D” shows that a high proportion of the buildings in this area are recommended to be conserved by appropriate maintenance works for those buildings already in good condition or reinstatement of missing details such as verandahs, shop fronts, doors and windows to original detail.

B. Infill

Several sites within this area are regarded as suitable for new developments providing the design is compatible with other buildings in the precinct. To establish compatibility the following guidelines are provided.

C. Form

A dominant feature of the commercial buildings is the front parapet concealing the roof. These parapets are ornate having applied decorative relief to approximately 25% of the face area of the form of mouldings, pilasters or recesses and are generally in painted rendered brickwork. The tops of the parapets, particularly on the northern side of Byron Street, are well articulated with stepped, sloping or curved motifs although on the southern side, other than for the National Australia Bank, parapet tops are more regular. Parapets should not be removed and new buildings should avoid long flat parapets and bland elevations with not relief.

A number of buildings, notably the banks, post office and adjoining house and houses in Station Street have hipped or hipped and gabled roofs in galvanised iron, other than for the bank in tiles. Roof pitches generally are in the 25-35 degree range. New roofs should fall within this range and should be compatible with neighbouring roofs.

D. Scale

The height of Bangalow's commercial buildings is impressive and derives from high floor to ceiling heights internally, the steepness of the hill and the high proportion of parapet area to wall area below. The main area comprises either single or double storey buildings in random mix with the average heights being 10-11 metres to the parapet top on double storey and 5.5-7 metres on single storey. These heights should be maintained. Reference should be made to Map "E" (Elevations to Byron Street of buildings in present heritage precinct).

The areas of parapet face above the imaginary ceiling line is approximately 50% of the area of the wall below that line. Modern commercial buildings with 3.0 metre ceilings and low parapets above concealing flat roofs will not be acceptable.

In relation to the buildings having pitched roofs it will be noted that eaves heights, either single or double storey buildings, are substantially higher than modern residences owing to the use of timber floors being higher above ground and greater floor to ceiling heights internally. Eaves heights on the majority of residences are from 3-3.5 metres above ground and modern residences with eaves heights 2.1-2.5 metres above ground will be out of scale. These heights should be maintained throughout the precinct.

E. Verandahs

Early photographs of Bangalow show the great impact the verandahs to both the commercial and residential areas had on the streetscape. Commercial verandahs generally of 2 storey in height, were supported on cast iron or timber posts and were richly decorated in the traditions of the period. The attached elevations for No. 13 Byron Street (Sketch "C") shows the effect these had. The reinstatement and renovation of these missing post-supported verandahs is strongly encouraged and they should be constructed faithfully to original detail.

- (a) All new buildings in the heritage precincts should incorporate verandahs and balconies into their design, reminiscent of the original period of the precinct.
- (b) Colour themes and signage to be in heritage type, reminiscent of the period of the original structure and in accordance with Council's Sign Policy (Part L of Chapter 1).
- (c) The structure shall comply with Ordinance 30, clause 27, of the Local Government Act 1919.
- (d) Awnings and verandahs to have a maximum width of 3.66 metres and a minimum of 3 metres, with a minimum height of 3 metres above footway allowing for under-awning signs as controlled by Ordinance 55. All structures shall have a minimum clearance of 600 mm from the face of kerb and 2 metres clear walking space (Figure 1) at shopfront.
- (e) The structure shall be designed to be self-supporting if any single post becomes non-load

bearing at any time.

- (f) Prior to construction, all underpavement services shall be located and design amended accordingly in consultation with Council.
- (g) All verandah structures are to be maintained in a neat, tidy and structurally sound condition at all times.
- (h) If at any time the structure falls into disrepair, Council may order works to be done or carry out works itself at the cost of the owner.
- (i) External coatings and other protective requirements for the structure be checked at a maximum of 5 year intervals or less, if required under manufacturer standards, for deterioration and upgraded where necessary.

F. Materials

The use of heavy masonry as a building material, either as face brick in the banks or rendered bricks as in the shop buildings along the northern side of Byron Street, contributes much to the unique character of Bangalow. Most small villages of this size on the North coast are almost exclusively built in timber and the presence of brick here creates an impression of solidarity and permanence. A small proportion of commercial buildings are in timber with generally simple detailing.

The continued use of either of these materials would be appropriate, noting that virtually all the face brick buildings are on the southern side of Byron Street and the rendered and painted buildings are on the northern side.

G. Shopfronts

Many original shopfronts remain on the northern side of Byron Street, either in heavily moulded timber or nickel plated frames with leadlight highlights. These original shopfronts contribute much to the character of the shopping area and their retention and reinstatement should be regarded as necessary. New buildings should consider the importance of a well designed shopfront using materials compatible with neighbouring earlier shopfronts and avoid bland, low cost materials such as aluminium. In addition, recessed entry doors to shops create interest in the line of shopfronts.

H Fencing & landscaping

Early photographs indicate a general absence of fencing in the precinct and there is therefore no case for reinstatement. However the provision of attractive period type fencing in timber picket or brickwork to the house in Station Street would greatly enhance the streetscape qualities in this area.

Although Bangalow benefits greatly from its green vistas, a scheme to plant an avenue of broad shady trees along both sides of Station Street would further enhance its quality and amenity and focus attention on the A & I Pavilion at the northern end. These trees could be of a flowering subtropical type such as Cape Chestnut, African Tulip or Fire Wheel Tree. Pecan Trees are also suitable.

I. Signage

Early photographs reveal a restrained and yet sympathetic approach to signs. Signs, which do not relate to the shape of the building, its colours or details can detract from the appearance of the building and the streetscape.

Generally, Council will not grant consent to the establishment of above awning signs unless Council has made an assessment of the style of lettering, the location and size of the sign and the

materials and colours to be used. Cantilevered, illuminated signs off the face of the building and signs propped up above the footpath awning are inappropriate.

Council shall not consent to the establishment of below awning advertising signs unless the design of such signs is in keeping with the historical nature of the building and is not in conflict with adjoining buildings or the historical streetscape.

4.3.3. *Extended heritage precinct*

This extension of the precinct differs from the existing precinct in that only a small number of low scale commercial buildings are located at the western end, the rest being low scale residential buildings other than for the school and church.

The following development guidelines apply:

A. Form

The majority of houses are single or double fronted with hipped or hipped and gabled roofs with front verandahs. New developments should compliment these forms and in addition, front and side setbacks should remain reasonably consistent. Roof pitches should remain in the 25-35 degree range. Parapets, where located on commercial buildings, should be consistent with recommendations for the existing precinct.

B. Scale

A consistency of scale is important and new buildings should remain single storey with eaves heights similar to adjoining buildings. To achieve this, floor and ceiling levels must be reasonably consistent with earlier buildings with earlier buildings, which may preclude concrete slab-on-the-ground construction in some locations.

C. Verandahs

Verandahs remain an important component of the new building designs and their retention and inclusion in new buildings is to be encouraged. Enclosure of existing verandahs will be discouraged. Restoration of original verandah, covering details and colour schemes, is desirable.

D. Materials

The materials of buildings are in light painted weatherboard with silver galvanised iron roofs. The use of these materials is encouraged, although the desire to build in brickwork may be accommodated by the use of very light coloured bricks or painting the bricks to blend with the general colour tones of the area. The use of dark bricks and dark roof tiles will be discouraged. Window openings in a vertical form rather than horizontal will be more compatible with earlier buildings and will be encouraged

E. Fencing & Landscaping

The introduction of suitable fencing appropriate to the period of the area, i.e. decorative pickets or brick and timber, will greatly enhance the streetscape qualities and compliment the building's design. Modern fencing in galvanised weld mesh, fibre-cement sheet, profiled metal sheet or high brick fences are not considered appropriate gardens and street tree planting.

4.3.4. *Conservation area*

The guidelines for the area are much less restrictive than the heritage precinct but endeavour to encourage compatibility and sensitivity towards the character of Bangalow.

A. Form

The steepness of the topography dictates that buildings may be part 1 and 2 storey but the shape of the building will be unrestricted. Roof form should retain the steep pitched hipped or gabled form. Flat or very low pitched roofs are discouraged.

B. Scale

New buildings should observe the general eaves and roof heights of surrounding buildings and remain compatible with these.

C. Verandahs

Verandahs are an important element in the vista across this area and their retention on existing buildings or inclusion in new designs is strongly encouraged.

D. Materials

Dark brick and tile building materials are again considered inappropriate to this area and encouragement will be given to the use of light coloured wall material and light metal roofs.

4.4. Works by Public Authorities

All works and buildings to be constructed by any public authority such as part improvements, amenities, street furniture and school buildings, should have regard for the criteria expressed above.

4.5. Advise

The intention of the above guidelines is to produce an environment of well balanced and harmonious buildings that blend together through their form, scale and materials. The intention is not to produce fake copies of the earlier buildings, but to recognise their individual historic worth, drawing from their influences for modern buildings that will ensure harmony. Reproductions of early buildings will only devalue them and confuse the evolution of the local building types.

Assistance in the interpretation of these guidelines is readily available through the Byron Shire Council which engages a conservation architect to give this advice freely on its behalf.

Section 5 REQUIREMENTS FOR ROADS & UTILITIES

5.1. General Design Guidelines

5.1.1. Roads

Unless varied by this DCP chapter, road design is to comply with the appropriate provisions of Byron Shire DCP 2010 Chapter 1, viz:

Section B4 "Rural subdivision"
 Section B3.3 "Local and minor roads"
 Section B3.4 "Road pavement"
 Section B6 "Roads – Urban areas"

Construction and drainage of roads are required for all subdivision and the design of such works shall comply with Council's "Specification for Engineering Works".

The road system within the release areas and the points of intersection with existing roads should generally be in accordance with the detailed provisions of this DCP chapter and with the indicative layout shown on the included maps, and shall be subject to the approval of Council's executive Manager, Works and Services Division.

The following criteria are to apply to the design and construction of roads:

- (a) Roads are to be located with minimum impact and disturbance to the environment and landscape. Significant individual trees and stands of vegetation must be preserved.
- (b) Road design is to encourage low construction costs and minimum future maintenance costs.
- (c) Long, straight sections of road are to be avoided.
- (d) Roads are to generally follow contours and ridges, and avoid steep sections and cuts.
- (e) Minor access roads serving new subdivisions are to connect with existing arterial roads at intersect points with satisfactory sight distances.
- (f) New road systems are to be integrated with the pedestrian/cycleways system as indicated on the maps and in section 5.1.4.
- (g) New roads systems are to be identified as with distributors or minor roads to reflect their traffic carrying function in the road hierarchy. Guidelines are given in section B6.2 of Byron Shire DCP 2010 Chapter 1.
- (h) Traffic safety and vehicle speed reduction devices are to be used in appropriate locations on new subdivision roads in order to clearly define for motorists the entry into low speed residential access streets. For example, carriage ways constructions and islands with raised paved crossings may be used. The devices should be integrated with landscaping elements.
- (i) Lot layout and house site locations are to be designed to minimise the need for vehicle access directly on to existing arterial roads. Wherever possible, vehicle access is to be provided by means of new minor access roads.

5.1.2. Road Intersections

The increased vehicular traffic generated by the proposed developments in Bangalow require that several existing road intersections be upgraded or modified to effect traffic control. These intersections are to be listed below.

Contributions will be required from developments in the release areas generating the added traffics as indicated in the later sections of this DCP chapter. Developers are advised to discuss these contributions with Council at preliminary subdivision layout stage.

- (a) The Campbell Street intersections: not suitable for upgrading; will require control by limiting access.
- (b) The intersection of Leslie and Keith Streets with the Pacific Highway: will require traffic control.
- (c) The railway Rifle Range Road underpass and intersection with Lismore Road: Traffic control requirements.

5.1.3. Drainage

Surface drainage is to comply with the appropriate provisions of Chapter 1.viz:

- Section B2.7 "Drainage"
- Section B3.8 "Stormwater drainage"
- Section B7.2 "Major Drainage"
- Section B7.3 "Drainage easements"
- Section B7.4 "Common drainage"

5.1.4. Pedestrian & Cycleway system

A pedestrian/Cycleways system is to be provided as indicated on the map for the purpose of providing a safe route along probable desire lines between such destinations as schools, shops, openspace and housing areas, and providing minimum conflict with major roads. Pedestrian and cycleway systems may follow drainage swales.

The minimum dedicated width of the pathway/Cycleway is to be 4 metres and is to be dedicated as public road. Development consents will require that the pathway/cycleway be constructed through new developments.

Contributions will be required from developments in the release areas towards the provision of elements of the town walkway/cycleway system,

5.1.5. Geotechnical Requirements

Council requires that all proposed house sites in the shire be certified as geotechnically suitable. Geotechnical reports are required at subdivision development application stage for new allotments and at building application stage for existing allotments. Detailed requirements for such reports are specified in Chapter 1, section B7.11.

5.1.6. Sewerage Upgrading Requirements

Sewerage is to be provided to new housing areas in compliance with the provisions of DCP No 1, Section B7.6 "Sewer".

Augmentation of the treatment works, pumpstation PS2 and rising main No 2 as required to cater for the developments covered by this DCP chapter will be provided as part of Council's adopted works program and will be funded by the adopted section 94 headworks contributions per allotments created.

5.1.7. Water Supply

reticulated water supply is to be provided to new housing areas in the compliance with the provisions of Chapter 1 section B7.7 "water".

Augmentation required to cater for the developments covered by this DCP chapter will be provided

as part of Council's adopted works program and will be funded by the adopted section 94 headworks contributions.

5.1.8. Electricity

The provisions of Chapter 1, section B7.8, are to apply to all housing areas.

Underground electricity reticulation is required for all developments. Written evidence of satisfactory arrangements with the relevant electricity supplier will be required.

Some electricity poles may need removal or relocation for road upgrading. The developer is to negotiate these instances with relevant electricity supplier.

5.1.9. Telephone

The provisions of Chapter 1, section B7.9, are to apply to all housing areas.

Adequate easements are to be provided to ensure that telephone facilities may be installed. Telephone services are to be underground wherever practical, with common trenching for water supply.

5.2. Specific Requirements for Housing area "A"

Points of Vehicle Access

A maximum of 2 points of access to the existing road network will be accepted, as shown generally on Map "A" (Development guidelines).

Council will encourage the developer to minimise the number of allotments along Rifle Range Road that have independent access to Rifle Range Road. This could be achieved by having larger lots wider

Intersection of Raftons Road & Rifle Range Road

A development consent condition for subdivision of the northern part of this area will require the upgrading of this intersection or contribution towards such upgrading. The power pole may require resisting with the intersection to be kerb and guttered adjacent to the development and the road bitumen sealed to the gutter.

A Rous County Council water main crosses this intersection with an inspection structure in the intersection. The developer is required to ascertain Rous County Council requirements regarding any possible relocation of this structure.

Rifle Range Road

Rifle Range Road becomes a Local Distributor 2 road. The required sealed carriageway width from Chapter 1, section B6.2, is 11 metres. The developer will be required to contribute to this upgrading and associated kerb and guttering and drainage structures. Developers are advised to discuss these contributions with Council at preliminary subdivision layout stage. Dedication of land will be required to provide for the road reserve to follow the existing alignment of Rifle Range Road at about 120 metres south of the intersection with Raftons Road.

Other Intersections

Contributions will be required towards the upgrading and modification of highway intersections. Developers are advised to discuss these contributions with Council at preliminary subdivision layout stage.

Drainage Requirements

New housing area "A" drainage generally west to an unnamed creek. Road and Subdivision layout should be designed with roads generally on the ridges such as that the existing gullies continue to drain the development in wildlife/open space corridors.

Water Supply Requirements

A Rous County Council water main easement transects this area. No buildings are permitted in this area 5 metre wide easement.

5.3. Specific Requirements for housing area "B"

Points of Vehicle Access

One access point to the arterial road, Byron Bay, is preferred. This will be required to be constructed by the developer in stages to eventually become a NAASRA type "C" intersection. The approximate location is indicated on the map.

This T-Junction onto the arterial road is to be staggered a minimum of 80 metres from any existing intersections.

Provision is to be made in the subdivision layout for future public road connection through to land to the south.

Intersections

The intersection of Byron Bay with the Pacific Highway is to be rebuilt by the Roads and Traffic Authority as part of the construction of the proposed highway bypass.

Sewer

An extra contribution over Council's normal headworks contribution will be required from the developments in housing area "B" to cater for the augmentation to pump station PS1 and rising main No 1.

5.4. Specific Requirements for Housing area "C"

This area, zoned 2(a), is already partly subdivided. Further infill subdivision is to obtain access from Rifle Range Road or Raftons Road as appropriate, with intersections offset by a minimum of 80 metres from any new access road opposite.

Section B5.5 of Chapter 1 "Infill subdivision" provides development guidelines for this area. Developers will be required to contribute to sealing, kerb and guttering and drainage structures for Rifle Range Road. Contributions will be required towards the upgrading and modification of Keith and Leslie Streets highway intersections. Developers are advised to discuss these contributions with Council; at Preliminary subdivision layout stage.

5.5. Specific Requirements for Housing area "D"

Point of Access

The point of access to a west end subdivision for a maximum of 20 lots is to be from an extension to Leslie Street. Subdivision of the east end of this area will be required to gain access from Granuaille Road.

Intersections

Contributions will be required towards the upgrading and modification of the Keith and Leslie Streets highway intersections. Developers are advised to discuss these contributions with Council at preliminary subdivision layout stage.

Geotechnical Certification

For subdivision in this area, a geotechnical report for the subdivision road and each house site will be required to certify the slope stability. This will be required at the time of submission of the development application for subdivision.

Water Supply

A 1000 square metres parcel of land adjacent to the existing reservoir will be required to be dedicated to Council as a condition of consent to the first subdivision in order to provide for additional reservoir.

5.6. Specific Requirements for potential release area “E”

Point of access and road layout

Access is to be gained from an extension to Colin Street

Provision is to be made for future public road access to the land to the North.

Road layout is to avoid the central gully in this area.

Intersections

Contributions will be required towards the upgrading and modification of the Keith and Leslie Streets highway intersections. Developers are advised to discuss these contributions with Council at preliminary subdivision layout stage.

Water Supply

A Rous County Council water main easement transects this area. No buildings are permitted in this area 5 metre wide easement.

5.7. Specific Requirements for potential release area “F”

Points of Access

If this land is to be developed, 2 accesses would be approved forming a loop extension to Charlotte and Thomas Streets.

Intersections

The existing intersections of Robinson Street to Lismore Road has good sight distances and is considered satisfactory in its present condition for the extra traffic.

5.8. Specific Requirements for Potential release area “J”

Points of Access

If this land is to be developed, provision should be made for the realignment of the existing Pacific Highway to afford through traffic status to the subdivision entrance.

Sewer

An extra contribution over Council's normal headworks contributions will be required from developments in potential release area "J" to cater for the augmentation to pump station PS1 and rising main No.1.

Section 6 INDUSTRIAL PARK

6.1. Character

6.1.1 Situation

The industrial area, zoned 4(a) in the Byron LEP 1988, is characterised by well established camphor laurel “shade” trees and is set amid undulating evergreen hills in a predominantly rural vista. The 3 ha site is approximately 2km from the township and is bounded by Trunk Road 65 and by the North Coast railway line.

6.1.2. Development

It is recognised that development of traditional urban and/ or suburban industrial buildings maybe unsympathetic, both to the rural character and to the heritage identify of the area. Accordingly, the development controls in this section have been designed to enable a planned development in which all buildings are architecturally sympathetic with Bangalow’s heritage character. The theme and style for the development is generally established by the design of the multi-unit complex approved by Council in August 1990 on the large south-western allotment fronting Lismore Road(TR65).

6.1.3. Amenities

To compliment the attractiveness of the “workplace environment” a small park, central in the area has been provided. The preferred location for a refreshment room is adjacent to this park.

6.2. Development Controls

6.2.1. Restrictions

The Byron LEP 1988 sets down the basic range of permissible uses, establishes the maximum height of 7.5 metres for development within third zone and provides statutory restrictions on location of bulk retailing establishments.

6.2.2. Allotment size

To ensure the integrity of the desired future character, the following minimum requirements will apply:

- (a) minimum lot size where a single enterprise is to be developed – 1000 square metres.
- (b) Minimum lot size where factory units or multiple enterprises are to be developed – 1400 square metres.
- (c) Minimum lot size where an ancillary servicing enterprise is to be developed – 350 square metres.

Battleaxe blocks are to be avoided.

6.2.3. Site Coverage

Buildings, exclusive of covered walkways and permitted compounds, should not exceed 50% of each allotment.

6.2.4. Setback of Buildings

In accordance with Byron Shire DCP 2010 Chapter 1 (part E), the minimum setbacks to the front street alignments of allotments are to be 10 metres and 3 metres from a side boundary adjacent to

a road or laneway. For a lot of area below 400 square metres, the front setback may be reduced to 4 metres where parking is provided at the side or rear of the site.

6.2.5. *Construction Material/Style*

Industrial buildings should be attractive, functional and harmonious with surrounding development.

Where a building is designed for multiple tenancy, all external walls and dividing walls between units are preferred to be of concrete "lit-up" construction. On the front elevation, polished stone, metal panels, timber or fabricated ornamentation may be used providing that the area of glass does not exceed 25% of the area of the front elevation. Decorative or textured surfaces may also be considered.

Internal dividing walls of factory units are to be fire rated and constructed in accordance with Chapter 1 (part E2.13).

All exposed surfaces should be treated with waterproof or cement based paint in recognised heritage colours. Alternatively, exposed surfaces may be sand blasted or texture finished by bush hammering.

Post and beam timber construction may be considered for smaller buildings designed for single occupancy, ancillary servicing enterprises or detached offices serving larger industrial buildings. In such buildings, verandahs, louvre infill and external lattice screening to the satisfaction of Council will be permitted.

Floor levels of all buildings shall be a minimum of 300mm above allotment ground level.

Separate male and female toilets to be provided to each factory unit where there are more than 2 units to a building.

Garbage stands and external compounds should be screened from view from a public place. Painted decorative screening material should conform to a recognised heritage colour.

6.2.6. *Roof Form*

Roof form may be hipped, pitched or gabled. There should be a minimum roof pitch from the horizontal to be within the parameters of:

- 30% for buildings of 10 metres or less frontage, decreasing proportionately to 10% of buildings of 30 metres or more frontage
- Crested ridge caps, finials and roof vents may be incorporated as features in any building.
- Flat roofs, skillion roofs and large fascias will not be approved. Non-reflective, light coloured colorbond or similar roofing material should be used.

Provisions should be made for the collection of roofwater in rainwater tanks as it may be desired to reticulate this water source for consumption.

6.2.7. *Floor Space Ratio*

Floor Space Ratio will be as follows:

- (a) Where a showroom or office is attached to an industrial building or factory unit, the ratio of office/showroom floorspace to the overall building area shall not exceed 40% provided that the ancillary retailing and/or display is in association with a manufacturing or processing use of the enterprise; or

(b) Where a showroom or office provides an ancillary servicing activity that is supportive of and dependent upon the main function of factories and warehouses and with Council's consent, a floor space ratio of 60% office/showroom to overall covered space may be permitted.

6.2.8. *Dwellings*

The provisions of the Byron LEP 1988 permit, with the consent of Council, the erection of dwelling-houses to be used in conjunction with industry and situated on the same lot, on land zoned 4(a). One dwelling-house per lot will be permitted only where it can be demonstrated to Council's satisfaction that:

- (a) The site proposed contains only one enterprise and the lot size exceeds 1500 square metres;
- (b) The dwelling-house is a caretaker's or manager's residence;
- (c) The dwelling-house is necessary for the operation and security of the industry;
- (d) The occupant will be an employee of the industry; and
- (e) The size of the dwelling to be restricted to 1 bedroom only.

6.2.9. *Loading Docks*

Loading docks, service areas and vehicular entries to warehouse or factory buildings should not be located on any street elevation of a building unless suitably screened from view from a public place. Screening may be by way of landscaping, building design, purpose built lattice fencing or by other means to Council's satisfaction.

6.2.10. *Fencing*

Ornamental fences not exceeding 1 metre in height may be erected as part of the landscaping design.

A compound enclosed by security fencing may be constructed provided that:

- (a) The area of the compound does not exceed 20% of the allotment;
- (b) The compound is not within 10 metres of the front alignment of the allotment;
- (c) The compound is not within 3 metres of a side or rear boundary adjacent to a street or lane; and
- (d) No advertising signage is to be erected on the compound fencing.

6.2.11. *Signs*

The erection of any sign is to be accordance with Chapter 1 (part L) which sets out sign policy. In particular; Council will only favourably consider the erection of integrated signs designed in conjunction with the proposed buildings to be erected on the western side of the state with exposure to the Bangalow/Lismore Road. This will minimise any adverse visual impact to the travelling public on this road.

6.2.12. *Landscaping*

A landscaped area shall be provided to all street frontages occupying a minimum of 3 metres set back from the boundary. Setback areas and any unused areas on this site shall be landscaped and maintained to Council's satisfaction in accordance with the provisions of Chapter 1 (part H)

“Landscape”.

In order to limit the impact on the existing rural amenity from this proposed development, the usage of larger native tree varieties will be encouraged.

6.2.13. Parking

Off-street parking on all allotments is to be provided in accordance with Chapter 1 (part G).

In the event of a communal car park being provided to Council’s satisfaction, Council may consider discounting the carparking spaces required for enterprises in the immediate vicinity.

Due to compact area of the estate, Council; may consider relaxing the carspaces required by ancillary servicing enterprises such as the refreshment room, that would draw their custom wholly or largely from factories or industry within the estate.

6.2.14. Exemption clause

Any or all proposals which are at variance with provisions of this DCP chapter will be assessed on their merits and may be approved only where it can be demonstrated to Council’s satisfaction that a particular proposal meets Council’s objectives, notwithstanding from this DCP chapter.

Section 7 OPEN SPACE AND COMMUNITY FACILITIES

7.1. Town park System

It is intended that as development and growth of the town proceeds the town park system, primarily along Byron Creek, be progressively provided and upgraded as a major opportunity to promote the amenity and attractiveness of the town.

The upgrading of the Byron Creek park system will ensure an urban open space corridor is available from the North-East of the bowling club and then to the showground and to South to the swimming pool parkland and the site of the proposed Botanic Garden, South of Deacon Street.

A subsidiary park system will follow Paddy's Creek from bangalow palms Estate southwards.

The following elements of the town park system will be requirements of the development applications involving the relevant housing release areas:

Area "B" An appropriate area of land adjacent to Byron Creek near the showground is required to be dedicated at the time of a subdivision involving this land, in addition to neighbourhood open space within the release area.

Area "C" The part of the appropriate zoned 1(a) shall be dedicated as part of the open space corridor at the time of subdivision, as shown on the map.

Area "J" A major part of Byron Creek town park system is suggested as the site of a future Botanic garden to be developed in stages on land to be dedicated on the northern side of the potential release area "J"

7.2. Local Open Space

Public open space in the form of neighbourhood parks is to be provided in subdivision development in accordance with the requirements of section B7.5 of Chapter 1.

Council may accept a monetary contribution in lieu of part of open space to be dedicated.

No house lot is to be further than 150metres from a children's play park; such children's play parks to be a minimum of 700 square metres in area.

Open space is generally to be provided in location shown on the map

The walkway/Cycleway system is to be integrated with the park system to safe access houses to open space and Community facilities.

7.3. Community and Recreation Facilities

Existing community and recreation facilities are to be upgraded to support anticipated growth in population Section 94 Contributions will be required.

Provision should be made in the subdivision of area "A" for the site of potential private preschool or community building as indicated adjacent to a potential neighbourhood general store site.

Section 8 AMENDMENT CATALOGUE

8.1. Amendment Catalogue

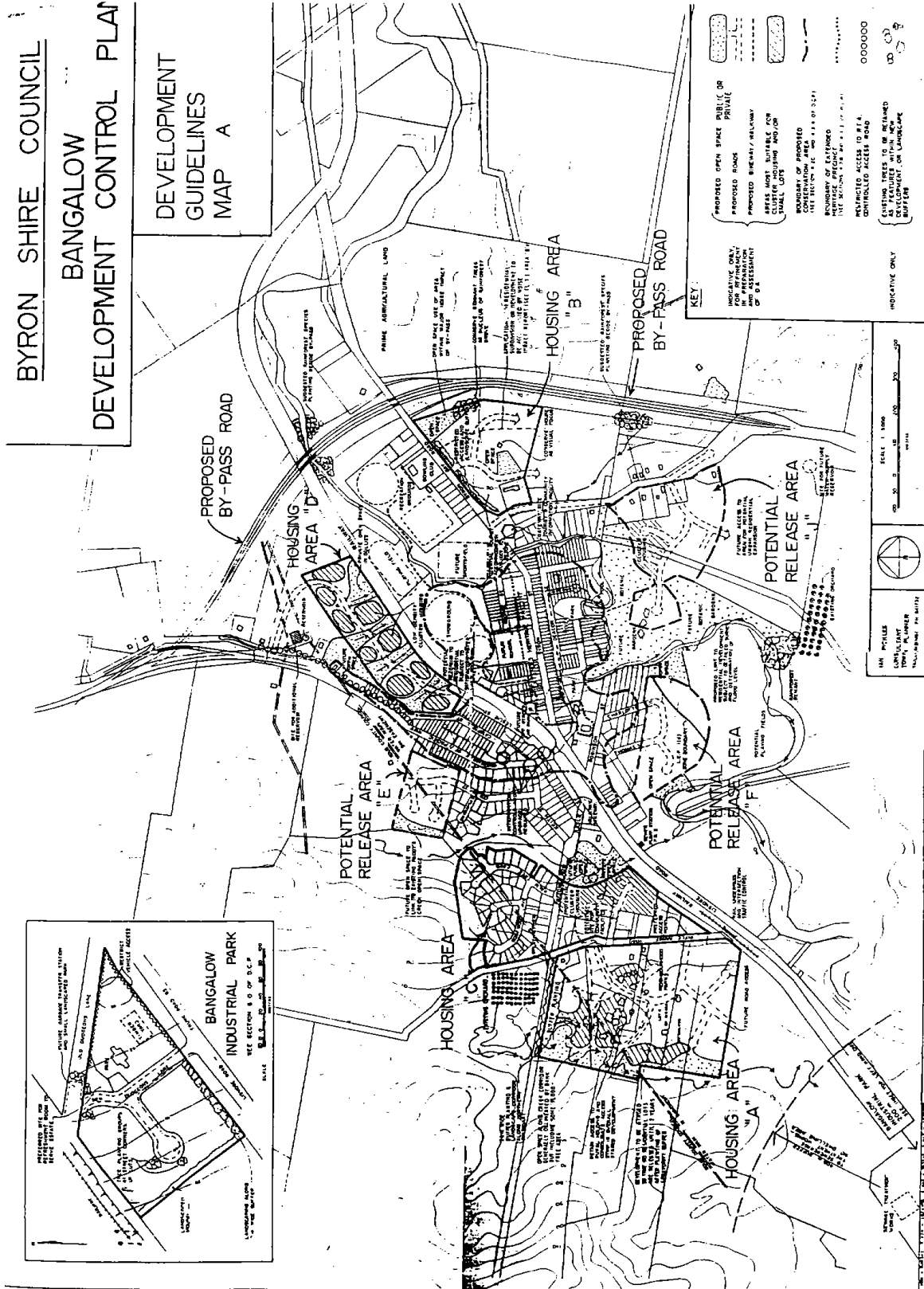
6 June 1988	Council decision to prepare DCP for Bangalow
January 1989	Council consultant Ian Pickles prepares draft DCP
June 1989	Draft DCP exhibited pursuant to clause 22 of regulations
November 1990	Amended draft DCP prepared following RTA decision to alter highway bypass route
10 December 1991	DCP adopted by Council
3 March 2011	Consolidation of DCP 12 - Bangalow into Byron Shire DCP 2010 as Chapter 12: Bangalow

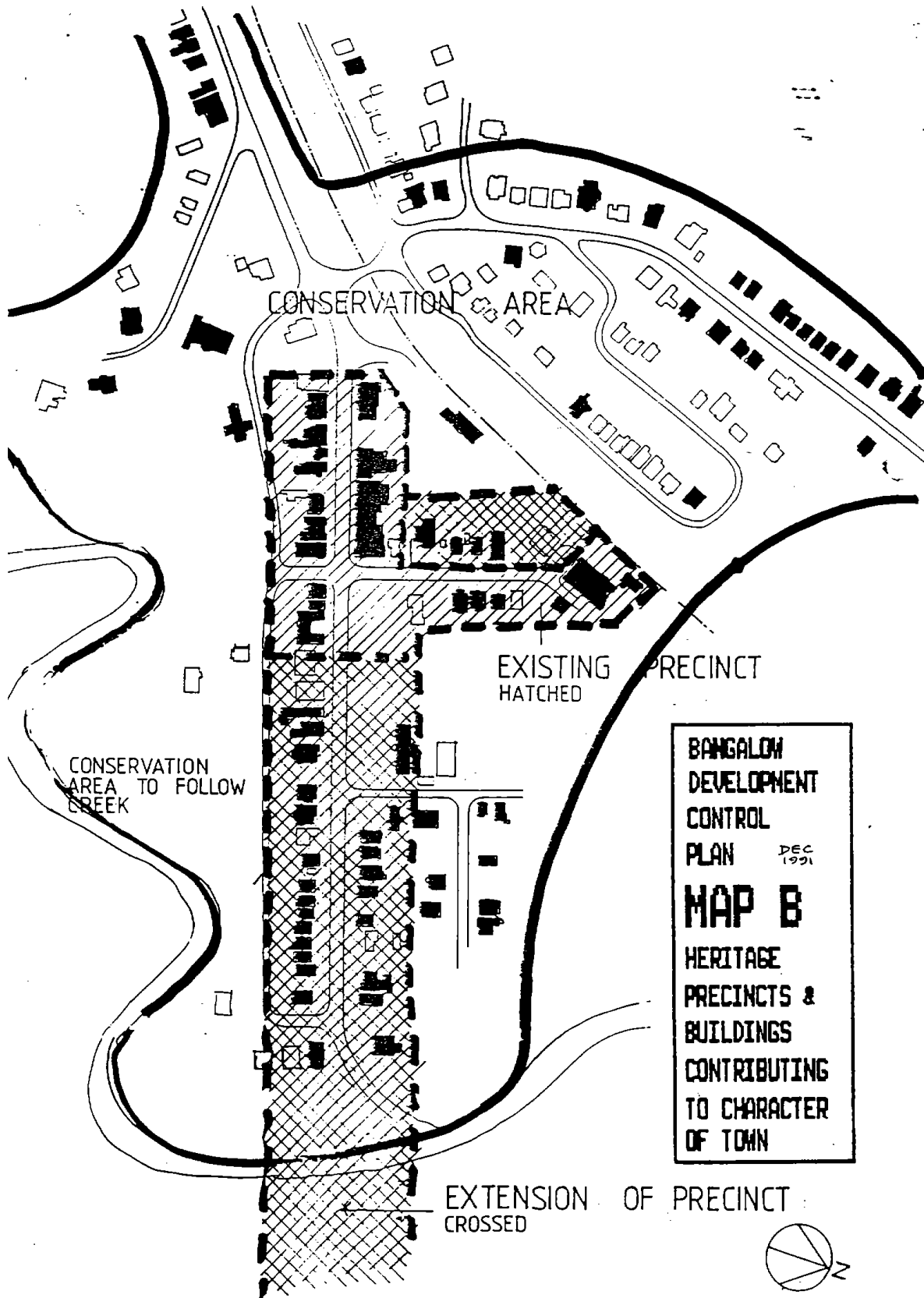
BYRON SHIRE COUNCIL

BANGALOW

DEVELOPMENT CONTROL PLAN

DEVELOPMENT GUIDELINES MAP A





BANGALOW DEVELOPMENT CONTROL PLAN

SKETCH C

DEC
1996

Building elevation showing effect of verandah
re-instatement ; typical building in Heritage Precinct

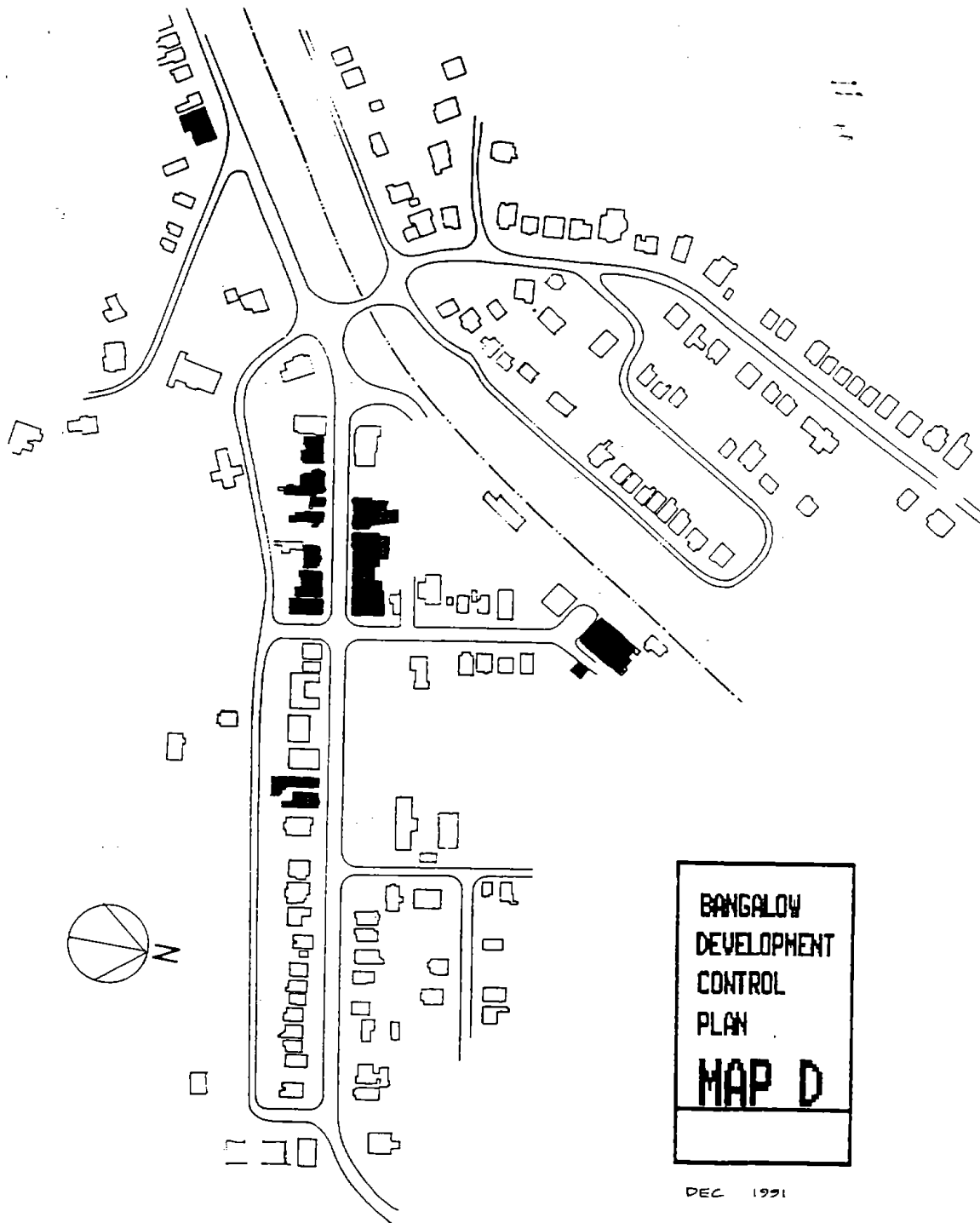
TIM SHELLSHEAR



Original

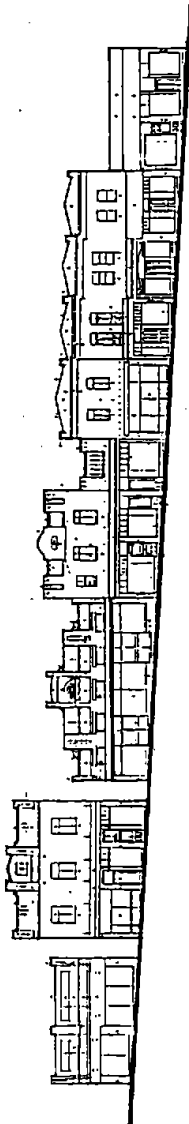


Present

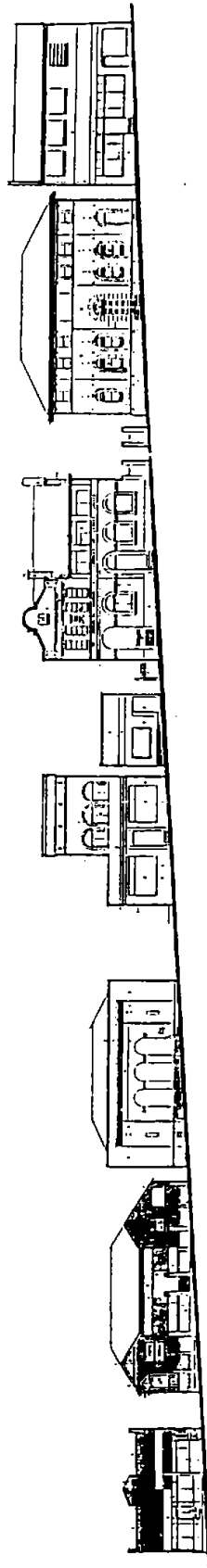


COMMERCIAL BUILDINGS RECOMMENDED TO BE
RETAINED IN OR RESTORED TO ORIGINAL
CONDITION

BANGALOW DEVELOPMENT CONTROL PLAN Dec 1951
SKETCH E
Elevations to Byron Street of Buildings
in present Heritage Precinct
TIM SHELLSHEAR



Byron St. Top Block North Side



Byron St. Top Block South Side



Byron St. Lower Block South Side

TREE PLANTING BUFFER GUIDELINES - ADJACENT TO RIFLE RANGE AT WEST BANGALOW

RECOMMENDED SPECIES:

TALL TREES:
(to 15m)

- BRUSH BOX (*Lophostemon confertus*)
- TALLOWWOOD (*Euc. Microcarps*)
- FOREST OAK (*Casuarina Torulosa*)

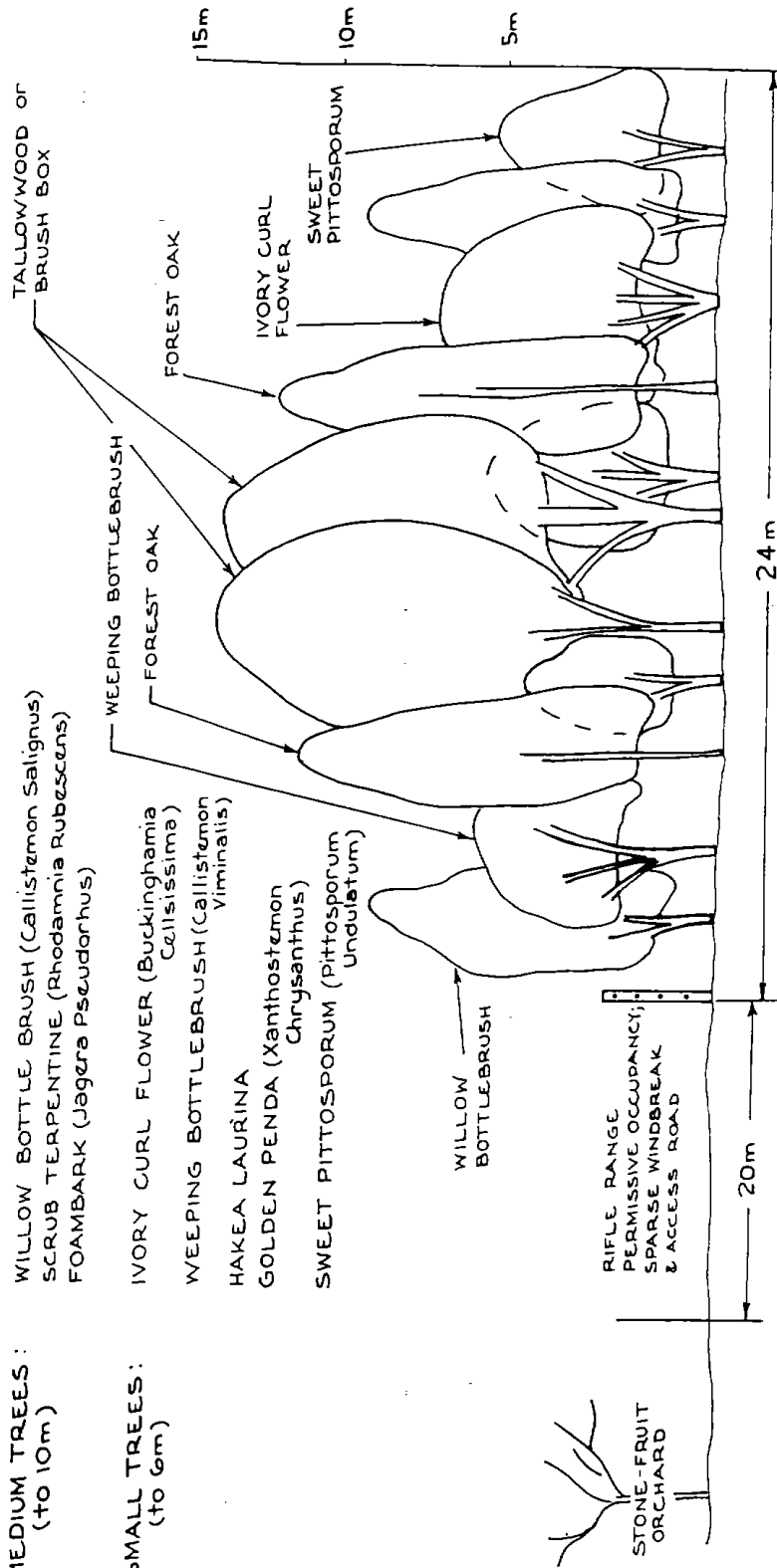
MEDIUM TREES:
(to 10m)

- WILLOW BOTTLE BRUSH (*Callistemon Salignus*)
- SCRUB TERPENTINE (*Rhodamnia Rubescens*)
- FOAMBARK (*Jagera Pseudorhus*)

SMALL TREES:
(to 6m)

- IVORY CURL FLOWER (*Buckinghamia Cellisissima*)
- WEEPING BOTTLEBRUSH (*Callistemon Viminalis*)
- HAKEA LAURINA
- GOLDEN PENDA (*Xanthostemon Chrysanthus*)
- SWEET PITTOSPORUM (*Pittosporum Undulatum*)

TYPICAL PROFILE OF WIND-BREAK TO FILTER SPRAY DRIFT & ODOUR



ESTABLISHMENT: 2.5m SPACING IN OFFSET ROWS - WIDTH DETERMINED BY MAINTENANCE MACHINERY (e.g. 2-3m)

- DRIP IRRIGATION MAY BE NECESSARY TO ENSURE EVEN, CONSISTENT GROWTH
- MAINTENANCE FOR MINIMUM 2 YEARS WITH BOND POSTED TO COVER REPLACEMENT OF FAILURES

Chapter 14:

South Ocean Shores

Document History

Doc No.	Date Amended	Details Comments eg Resolution No.
#215924		Effective 27 March 1990
#215924	14 October 2010	Res 10-696 - to create Draft DCP 2010 for public exhibition
#1018444		Draft DCP 2010 Chapter 14 (public exhibition copy)
#1070592	14 March 2011	Adopted Res 11-169 : format changes applied. Overall Aims (previously pg 2 of #1018444) included in Section 1.5.

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Section 1 GENERAL

1.1 Introduction

Byron Shire DCP 2010 Chapter 1 applies to this land. Byron Shire DCP 2010 Chapter 14 - Ocean Shores contains special provisions which relate specifically to Ocean Shores and objectives for the future development of Ocean Shores.

Should any discrepancies exist between DCP 2010 Chapter 14 and 1, then Chapter 14 will prevail.

1.2 Citation

This plan may be cited as Byron Shire Development Control Plan 2010 Chapter 14 - South Ocean Shores. It constitutes a DCP as provided by section 74C of the Environmental Planning and Assessment Act 1979.

1.3 Commencement date

This plan was first made effective on 27 March 1990, being the date on which it was formally adopted by Council.

1.4 Application

This plan shall apply from commencement date to all development consents and building approvals relating to the land shown on the map accompanying this plan within the area edged heavy black.

1.5 Overall Aims

To protect the visual amenity of South Ocean Shores, particularly its backdrop of hills and internally its golf course, ocean and Brunswick River views.

To discourage inappropriate development of land subject to natural hazards, particularly flooding and landslip and ensure ongoing development does not increase the nature of these hazards for existing development.

To provide for adequate and varied community facilities and open space for the area, interconnected by a series of pedestrian walkways and with good vehicle access and park.

To promote a clearly defined, safe and efficient road hierarchy to ensure local access roads are not used as main through-routes; that proper provision is made for cyclists and pedestrians, buses and service vehicles; and that the residential amenity of the area is not detrimentally affected by through traffic.

To make adequate provision for any required upgrading of utility and other engineering and community services and facilities that may be necessary due to development occurring both within and adjacent to the area.

1.6 Objectives

To delineate those areas most suitable for medium density, dual occupancy and single detached housing.

To ensure the ongoing development of the subject lands maintains the established low density residential nature of the area, recognising:

- i) the steep slopes within much of the area;
- ii) the slip prone nature of the more steeply sloping land;
- iii) the visual significance of the ridge lines and the golf course-open space corridor in the basin;
- iv) the inability of the existing water and sewerage systems to meet demand generated by any increase in population density;
- v) limitations on the existing road system to handle any significant increase in traffic caused by increasing the population density;

- vi) the expectations of existing single dwelling land owners in the South Ocean Shores area;
- vii) the proximity of areas of regionally significant natural habitat to residential areas; and
- viii) the need to minimise any additional loading on the drainage infrastructure.

To protect existing vegetation and fauna and promote further planting, particularly of appropriate native flora to provide for visual amenity and fauna habitat.

Section 2 SPECIAL PROVISIONS

2.1 Area No. 1 – the ‘Roundhouse’

Deferred

2.2 Area No. 2 – ex-primary school site

This land was originally identified as a potential primary school site but is no longer required by the Department of Education for this purpose. It presents opportunities for development taking advantage of the size of the site and its proximity to parkland. However its topography and situation on a minor street reduce its suitability for community purposes. However, given that site 7.3 (referred to in section 2.7 of this chapter) is used for open space then this site will be considered for a suitably located, designed and serviced community centre; and with ancillary facilities such as seating, suitable access and car parking.

The community facility land is to be dedicated to Council for public use. Section 94 contributions will be required from development of the remainder of the site to help embellish the dedicated land with necessary facilities, and will be required to provide road access into the site area subject to the direction and satisfaction of Council's Community Infrastructure Executive Manager.

2.3 Area No. 3 – the proposed ‘marina site’

In the Development Area Plan for Ocean Shores prepared by the estate developers in the 1970s, a boat marina was proposed for land served by Rajah Road and adjacent and to the south of the existing commercial shopping centre. The proposed marina was to be serviced by the construction of a dredged boat channel in the North Arm of the Brunswick River. The Byron Shire local environmental study (1986) subsequently identified the land (including water) and vegetation in the eastern half of this site as important wildlife and flora habitat. Reflecting this value, the subject land was zoned 7(b) Coastal Habitat in the Byron Shire Local Environmental Plan (1988) which prohibits the clearing of land and development that is likely to have a detrimental effect on habitat and landscape qualities.

Council will not consider any marina development proposal for the subject site. Development proposals for the residential zoned land adjacent to the coastal habit zone shall be designed to properly consider the nature of the adjacent environment.

Large boat access to the Brunswick River system is more appropriate from the Brunswick Heads vicinity and Council will use development contributions in the subregion to further embellish this access.

Small boat access, particularly punts, canoes, etc., is to be encouraged at locations such as Casons Road, New Brighton, where existing access without ecological constraints is available.

Open space contributions from development in the area may be used to promote and embellish this river use access.

The western portion of this site, identified as Residential 2(a), may be developed for medium density development being generally suited to this type of residential purpose due to the nature of the site, proximity to existing medium density and business areas. Being a large single parcel, the site suits cluster type development of high architectural merit.

As much as possible of the remaining vegetation on-site should be retained.

2.4 Area No. 4 – Pacific Highway deviation

Deferred

2.5 Area No. 5 – deferred planning area off Balemo Drive

This area has a number of recognised constraints, reducing its potential for development. These are:

- the site is flood prone, in close proximity to a high hazard (flood liable) zoned area and contains recognised wetland vegetation complexes;
- the site is isolated between three fairways of the existing golf course and development may significantly reduce the visual amenity and essential core design of the course; and
- right of way access requires considerable upgrading and, as a private or public road, may compromise internal golf course access between a number of holes.

Council will consider these issues in reviewing land use planning options for the site. It is generally considered the appropriate use is to retain the site as it is, as part of the natural golf course landscaping and/or include open space development suitable for recreation purposes.

2.6 Area No. 6 – deferred planning area adjacent to Marshall' Creek

This site presently has no access. It is heavily forested with layered wet forest species such as flooded gum (*Eucalyptus grandis*) and pink bloodwood (*E.intermedia*), is flood prone and being adjacent to Marshall's Creek, is an integral part of the river reserve and fauna habitat.

In the light of this information it is considered that appropriate use of the site is to retain the majority as protected coastal habitat with the south-western corner of the site, being covered mainly in carpet grass, retained as part of the tenth hole fairway of the golf course. In reviewing the site's land use status Council will consider these matters with the intention of zoning the land accordingly.

2.7 Area No. 7 – deferred planning area within golf course

This deferred planning area has three distinct land units which have been correspondingly marked 7.1, 7.2 and 7.3 on Map 1 at Schedule 1 in this chapter. Until zoning is determined, adoption of any proposals below in relation to these areas is deferred.

They are accordingly referred to separately below.

Site 7.1 between Fairways 7 and 2

This site has major flood constraints and was identified in a number of studies, including Council's 1987 Planning Study, as unsuitable for development. The recommended land use option by this study report was 6(a) Open Space zoning. This would provide for further necessary flat open space in the plan area suitable for active recreation. Council, in viewing land use for the site will favour this option.

Site 7.2 between Fairways 10, 17 and 18

This site is visually prominent within the golf course with layered forest cover on most of the area, including brushbox (*Lophostemon confertus*), pink bloodwood and flooded gum, the latter on the steep sloping western part of the site. Due to its position the site is not considered appropriate for general residential development, however may be considered for a range of development options ancillary to the golf course development. The recommended land use status by this plan is 6(b) Private Open Space. Council will require any development and building application to properly assess and consider retention of tree cover and visual amenity as well as golf ball hazard and vehicle access to the site.

Site 7.3 between Fairways 2 and 11: access from Terrara Court

This part of Site 7, as identified on the plan map, is the largest of the deferred planning areas being some 12 hectares in area.

The site contains substantial areas of wetland vegetation and is mainly flat. It is presently flood prone (most of the area being less than 3 metres (AHD)) and is dissected by modified drainage lines. This land unit is significant because of its visual prominence as seen from the residential development areas on the surrounding slopes. In early development area plans the site was included in open space zones.

The general area has been identified as highly suitable, due to location and general environmental amenity, for open space.

The issues of:

- (a) vehicle movements across the golf course and routes used by golfers between holes 1 and 2; 7 and 8; and
- (b) potential hazard from errant golf balls,

must be addressed and potential conflict overcome or reduced to an acceptable level in any land use design and management for the site as an open space area.

2.8 Area No. 8 - Zone 1(d) site adjacent to Ocean Shores Golf Club

Council in considering appropriate land use and development options for this site will take into consideration its visual prominence, position adjacent and just below the golf course clubhouse and height above a number of single dwelling allotments.

Its position and access to the country club suit a form of accommodation use in conjunction with the nearby country club and/or low rise strata title attached-semi detached villa style units.

Council in reviewing subsequent zoning and development/building applications for the site will require a geotechnical report from a qualified consultant and may restrict building height and form to that appropriate to the site's position and visual prominence in the surrounding area. All vehicle parking will be required to be retained on-site.

2.9 Area No. 9 - Medium Density Development Land off Rajah Road: boundary delineation with adjacent nature reserve

The Byron Shire Local Environmental Plan amended the general boundaries of this residential area to reflect the protection of rainforest as required by State Conservation Orders and the National Parks and Wildlife Service (in particular, one species *Acronychia littoralis*). However the definitive boundaries of the nature reserve - zone 8(a) are yet to be set. These boundaries need to reflect the adequate protection of the vegetation including buffer area.

Council therefore requires development proponents of this site to liaise with the National Parks and Wildlife Service in this regard before submitting development/building applications to Council. Council will expect written confirmation of this liaison and applications will be required to adhere to any conditions of approval that reflect the environmental considerations involved.

2.10 Lots 550 and 533, Wirree Drive

Lot 550

A large part of this is zoned 7(a) and 7(b) and is affected by SEPP No. 26 – Littoral Rainforests, reflecting the environmental features of the land. This site has potential for single residential use

only.

Lot 533

Adjacent to lot 550, this large lot is zoned 7(b) in the Byron LEP 1988 and is recognised as a protected littoral rainforest area under SEPP No. 26. This site has potential for single residential use only.

2.11 Areas identified for medium density, dual occupancy and single detached dwellings

In order to achieve the objectives in Chapter 1 Part C5 and, in particular Elements C5.1 and C5.2, only the areas identified for medium density, detached dual occupancy and single detached with or without attached dual occupancy dwellings will be used for that purpose. Higher densities than that indicated on the development control plan map will not be approved.

2.12 Landscaping

Planting of exotic or inappropriate native species will be discouraged in or near any environmentally sensitive areas, including existing rainforest, wet forest gullies, parklands, riverbank areas and wetlands. Planting of native endemic species is encouraged.

2.13 Single Dwelling Areas

House Design and size

Housing should be designed to fit into the existing residential environment. Council will assess each building application on its merits, considering factors such as building design and materials, its function, the land parcel's attributes and size, and how the proposed building relates to the visual integrity of the townscape.

External Walls

Dwellings shall not be constructed with flat sheet external walls.

Roofing Material

All roofing materials should be non-reflective and in earth tones, suitably integrated to compliment the area. Suitable colours include browns, greens, greys, dark beige, gold tones and autumn reds.

Building Setbacks

New development should be designed to fit into the existing environment where there are established dwellings with a consistent setback of at least 3 metres from side or rear boundaries and 7.6 metres from road frontage. Exception will be considered for cases involving solar access considerations. New development should retain the visual integrity of the townscape and should be considered on merit.

Erection of Fences

All fences erected along any boundary line of allotments shall not have a height in excess of 2 metres from the natural ground surface level unless a special case is approved by Council. Definitions of private open space in medium density development should preferably be by way of landscaping rather than fencing.

Fence Setbacks

Fences are not permitted along street frontage of allotments (nor any part thereof), nor along any side boundary extending from the front allotment boundary to the front alignment of a dwelling-

house.

In the case of an allotment having frontage to two or more streets, the frontage setback shall apply to each roadway frontage (excluding right of ways and laneways).

Excavation for Home Sites, Driveways, etc.

When excavation of the natural ground surface is required and/or takes place for the construction of a dwelling or other building, access road, driveway and ancillary landscaping purposes, the owner of the allotment shall rehabilitate and appropriately landscape the excavated area and other areas affected by the excavated material to the satisfaction of the Works and Services Director. No works should be commenced until a building approval has been issued by Council.

Also see Chapter 1, section K4.1, of this DCP.

Geotechnical Report for all Building Lots

All building applications require a geotechnical assessment and certificate by a qualified geotechnical expert, stating that:

- (a) the site is stable and will not be affected by land slip or subsidence above or below the site when the building is erected; and
- (b) identifies existing subsurface conditions and specifies foundation details appropriate for these conditions and building proposed.

2.14 Impact of Development and Landscaping on Visual Amenity

Council will require all buildings and works adjacent to the golf course to consider the development's impact on:

- residential views into the golf course area; and
- views from the golf course of the subject development.

Council will expect building and landscape design to protect this visual amenity.

2.15 Type 4 Intersection - Pacific Highway

New development will be required to contribute by way of section 94 contributions towards the necessary construction of a Type 4 intersection roadworks and realignment at the conjunction of Balemo Drive and the Pacific Highway.

2.16 Footpath/Walk Trail System

The planning and co-ordinated development of a footpath and walk trail system within Ocean Shores and connecting the area to the beach villages of Brunswick Heads and New Brighton-South Golden Beach shall be provided. The emphasis shall be on implementing a cost effective and functional system following easy grades, existing paths and connecting recognised community facilities such as shops, open space, community buildings, etc. The map at Schedule 2 indicates the general movement concept identified in consultation with residents.

All walking trails in public reserves shall be in accordance with National Parks and Wildlife Service design and construction guidelines. They should include interpretative material, seating and viewing points where appropriate.

Trails shall be developed for a range of recreational uses, including fitness, nature and scenic values, bicycle riding, etc. These shall be determined in consultation with the local community, plans drawn up and displayed for public comment before implementation.

2.17 Open Space-Recreation Areas

Flora and Fauna Reserves

Many of the steep gullies and slopes reserved as open space are suitable for Council to retain and promote as areas of flora development and fauna protection with the assistance of the local community. Wherever possible vegetation planted in these areas should be native endemic species (refer to the Plant List in Chapter 1 Part H of this DCP).

River Reserves

As with the Flora and Fauna Reserves described above, these will be managed for the protection of flora and habitat. In suitable locations, access to the river for low key non-motorised boating such as canoeing may be provided.

Walk trail development which may include boardwalk sections to reduce impact on the environment may also be provided.

Public Access to, and Use of Coastal Reserves

Council will require open space and beach amenity contributions to be put towards upgrading public reserves at New Brighton with public amenities, car parking, surf lifesaving and picnic facilities, beach and dune protection works, landscaping and the preparation of beach/reserves management plans.

'Water Lily' Park

This park is a focus point of open space in the plan area. It requires further development funded by developer contributions and in consultation with land owners in the general vicinity of the park involving:

- upgrading of the existing playing field;
- provision of an amenity block, including change rooms and kiosk area, and ancillary seating;
- embellishment of the park with seating, picnicking facilities and landscaping such as weather shelter, barbecues, appropriate tree and shrub planting; and
- walk and bicycle paths and a fitness trail connected to the residential streets, with direct access to the park.

Provision of Further Open Space - 'Deferred Areas'

The large "deferred planning areas" within the golf course core provide the opportunity to further embellish the plan area with public open space. Due to the flood prone nature of these sites, their preferred use is of this nature. They are also visually significant to the higher rim of residential land surrounding the golf course.

There may be the potential for some other uses in conjunction with community facilities (see section 2.7 of this chapter).

The large area suits the provision of community facilities and other development set in landscaped surrounds with the balance of the site retained as habitat and environment protection area. This could provide an important focus for the settlement and it gives an opportunity for integration of the golf course with the urban area.

Residents of the area utilise access trails through the golf course and these deferred areas for general recreation such as walking and exercising domestic pets. This use should be formalised in

consultation with the Ocean Shores Golf and Country Club to promote pedestrian safety from potential golf ball hazard and ensure public access through the area. Some access trails may need to be rerouted around the golf course to avoid trespassing, vandalism and golf ball hazard.

Council will require dedication of open space from these deferred areas subject to determination of land use options for the sites (see section 2.7).

Council will require the dedication of pedestrian access connecting these open space areas with residential neighbourhoods.

2.18 Development of Community Centre

Council will promote the location and development of a centrally located multi purpose community centre complex which will contain a wide range of required facilities and services. (see sections 2.2 and 2.7 – Site 7.3 between Fairways 2 and 11: access from Terrara Court).

The complex will be adequately serviced by vehicle, bicycle and pedestrian access and car parking, and capable of servicing a number of community requirements at the same time.

On the basis that the complex will serve existing and future development in the Ocean Shores-New Brighton-Golden Beach area, contributions will be required from development occurring in these areas to help provide and further embellish the community centre complex and other ancillary services.

2.19 Flood Liable Land: Building Minimum Floor Level Requirements

In February 1987, Council resolved to remove the 500 mm freeboard requirement and buildings within the backwater areas of Ocean Shores are now required to have a minimum habitable floor level not less than the 1% flood level, as identified in the Marshall's Creek Flood Study. Note: Flood levels vary from place to place to allow for the stream flood gradient.

"Habitable rooms" are defined as all living areas, bathrooms, bedrooms and kitchen, but do not include garages, carports, storage space or laundry.

Development applications are required for all works (including houses) which are situated within flood prone areas.

"Flood prone" is defined as any area inundated by the 1% flood and will be assessed by levels provided in the Marshall's Creek Flood Study and information available to Council.

2.20 Sizes of Lots Subject to Land Slip

It should be noted that the allotments originally identified as having stability problems were generally made larger than usual in order to provide a stable dwelling site.

Council will not approve applications to resubdivide these lots unless a fully demonstrated merits based case is made to the satisfaction of the Council's Community Infrastructure Executive Manager.

Section 3 CONTRIBUTIONS

3.1 Section 94 contributions

Section 94 contributions will be levied and are payable per lot created for the following purposes. Rates of contribution will be set by Council each year.

Movement Systems

Roads:

General road upgrading, including drainage.
Type 4 intersection - roadworks and realignment Balemo Drive/Pacific Highway.
Local traffic management plans and works.

Pedestrian/Bikeways

Integrated system, including walking trails as per concept at Schedule 2.

Parks Acquisition and Embellishment

Coastal Reserves - New Brighton

Water Lily Park:

Passive space - seating, picnicking facilities; landscaping, including all-weather shelter barbecues.

Playing field - amenity block, including changerooms/kiosk area; ancillary seating, upgrading of field and landscaping.

Provision of walking/bicycle paths and fitness trail integrated into the whole park area.

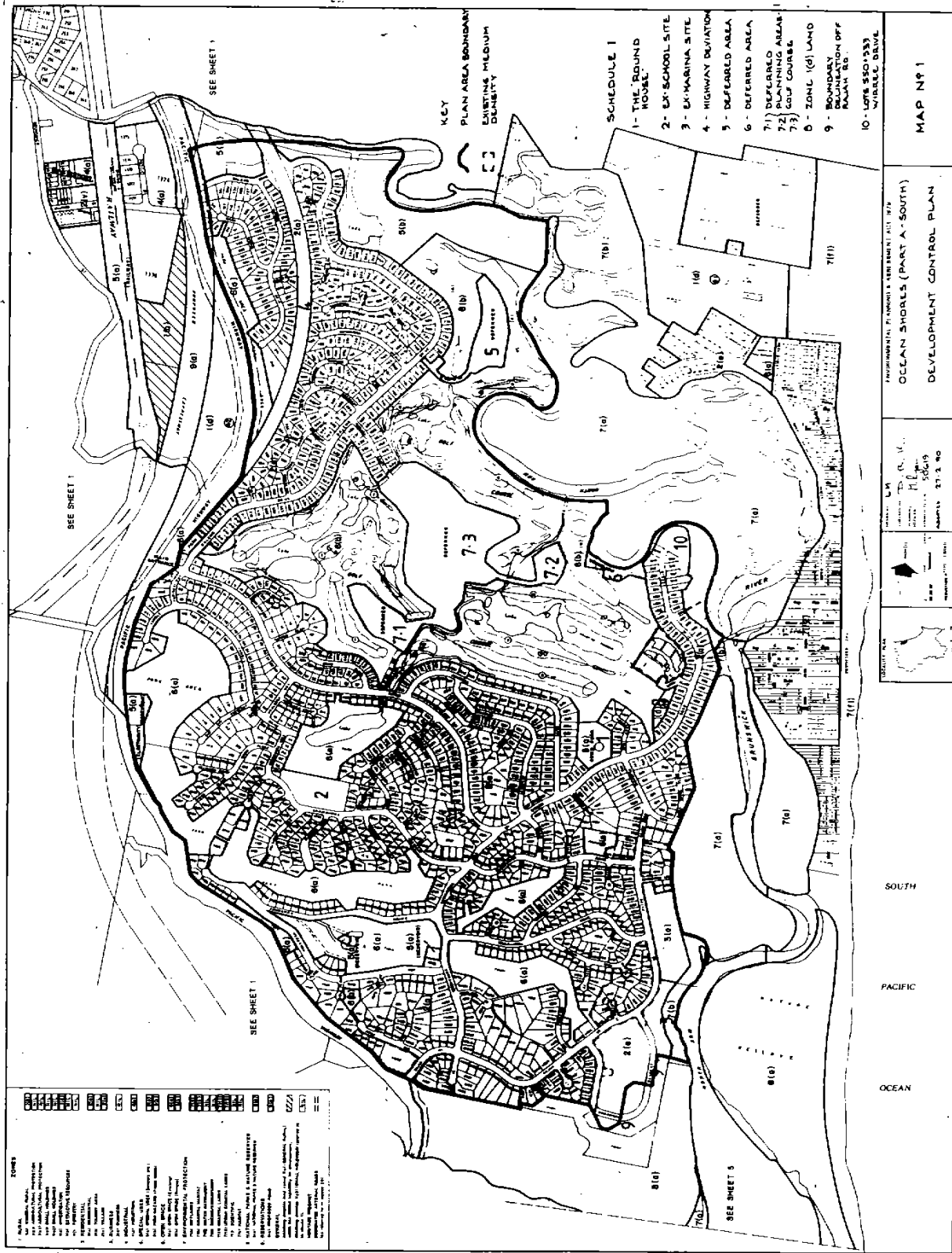
Sporting Facilities:

Provision of land and/or local level facilities as required.

Community Facilities

Including provision of land and community facilities as required, possibly including:

- health care service centre, including visiting specialists;
- child care and play group facilities;
- youth and aged persons' activity centre(s);
- aged accommodation, such as hostel;
- meeting rooms and public hall;
- meals on wheels kitchen facility;
- library facility;
- indoor sports and general recreation;
- stage area with ancillary requirements for drama shows and other productions, including video/film.





Chapter 15: Industrial Development

Document History

Doc No.	Date Amended	Details Comments eg Resolution No.
#224957		Effective 27 July 1994
#224957	14 October 2010	To create Draft DCP 2010 (#1018451)
#1018451		Draft DCP 2010 Chapter 15 (public exhibition copy)
#1071466	14 March 2011	Adopted Res 11-169: format changes applied.

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Section 1. INTRODUCTION

1.1 Citation

This plan may be cited as Byron Shire Development Control Plan 2010 Chapter 15 - Industrial Development.

1.2 Commencement Date

This plan was first made effective on 27th July 1994.

1.3 Application

This plan applies to all land within Byron Council area upon which industrial development is permissible in accordance with Byron Local Environmental Plan, 1988.

1.4 Definitions

"Industrial Development" for the purposes of this plan includes all development of an industrial nature, permissible within the 4(a) General Industrial zone as defined by Byron Local Environmental Plan, 1988.

1.5 Relationship to Other Documents

This plan will supplement Byron Local Environmental Plan, 1988, in providing guidelines for industrial development within the Byron Council area.

Where this chapter is inconsistent with Chapter 1 and Chapter 12 – Bangalow of Byron Shire DCP 2010, this chapter shall prevail to the extent of that inconsistency. This plan repeals Byron Development Control Plan No. 5 Bayshore Industrial Park (West Byron).

Section 2. AIM OF THE PLAN

The principal aim of the Plan is to provide specific standards and guidelines to implement the statutory aims and objectives of Council's Planning instrument as it applies to industrial lands and industrial development.

Specific objectives as they relate to each issue considered relevant to industrial development in the Council area are contained in Section 3 of this chapter.

Section 3. GENERAL PROVISIONS

3.1 Minimum Allotment Sizes

3.1.1 Objectives

- To provide functional lots with a suitable road frontage.

3.1.2 Standards & Guidelines

- The Minimum allotment size for industrial development is to be 1000 sqm with a minimum 25 frontage at the primary building line.
- Battle axe allotments will generally not be favoured in industrial areas by Council. The Council may, however, consider such allotments where it can be demonstrated that the site constraints are such that no other subdivision alternative is practicable and that effective on-site carparking, vehicular movement and waste removal can take place.

3.2 Building Lines

3.2.1 Objectives

- To establish minimum building setbacks in industrial areas to enhance streetscape and provide suitable commercial exposure.
- To encourage a stepped front elevation to provide variation in the front facade and building form.

3.2.2 Standards & Guidelines

- For the purposes of this Plan:

"Primary Building Line" is defined as 10m from the front boundary of the allotment."

"Secondary Building Line" is defined as 6m from the front boundary of the allotment".

- All buildings shall be setback to the primary building line.
- Notwithstanding Clause 3.2.2(b) buildings may encroach forward of the primary building line to the secondary building line to achieve a "stepped" front elevation. This encroachment, however, is not to exceed more than half of the width of the building at the primary building line.

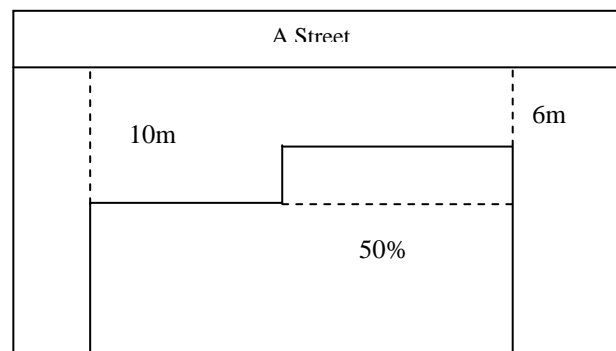


Figure 1 - Primary & Secondary Building Lines

- (d) Sites with dual frontage or frontage to a road and service lane are required to have a setback of 2 metres from the second road frontage.

3.3 Building Criteria

3.3.1 Objectives

- To encourage a high standard of industrial building which is functional and does not detract from appearance of other buildings in the Estate.
- To minimise the risk of damage from natural hazards and maximise safety.
- To ensure compliance with the Building Code of Australia.

3.3.2 Standards & Guidelines

- (a) Front elevations of an industrial building may be constructed of glass or brick or clad in concrete block masonry which is to be coloured in a manner which is in keeping with the character of adjoining development. Details are to be submitted with the development application.
- (b) White pebble-crete or similar finishes for walls are not considered suitable by Council in view of their propensity to dis-colour through the effects of rain and algal/mould growth.
- (c) Materials referred to in Clause 3.3.2(a) shall extend a minimum of 3m along the side elevations adjoining the front elevation.
- (d) Finished floor levels are to be constructed a minimum of 300mm above the natural ground level or in accordance with the NSW Government Floodplain Development Manual.
- (e) Industrial Developments are to include provision for a weather proof employee luncheon area on site.

3.4 Servicing Requirements

3.4.1 Objectives

To ensure adequate provision of services and infrastructure to cater for industrial development.

To prohibit the discharge of hazardous substances into the sewer.

3.4.2 Standards & Guidelines

(a) Water:

All development is required to be serviced by reticulated water supply.

(b) Sewer:

Developments are required to connect to mains sewer. Substances not permitted to be discharged into Council's sewer include:

- (i) animal matter (including carcasses but not including human waste), wool, hair, grease, dust, ashes, cinders, soil, rubbish, oil, salt, mud, sand, gravel, garbage, offal, vegetable or fruit parings, rags, house refuse, print and paint based substances, steam or solid matter;
- (ii) any flammable or explosive substance;

- (iii) any infectious or contagious substance;
- (iv) the contents of a cesspool or privy;
- (v) waste water or other waste liquid:
 - that contains a percentage of common salt or any other mineral salt, acid or gas; or
 - that is at a temperature;

specified by the Council as being damaging, or liable to form compounds damaging, to the Council's sewerage system or treatment works or to Council employees who are engaged in the operation or maintenance of that system or those works;

- (vi) roof, rain, surface, flood, seepage or subsoil water;
- (vii) other substances that the Council believes are likely to damage the sewerage system or injure those Council employees.

(c) A Trade Waste Agreement is required prior to industrial users connecting to sewer which will detail the necessary pre-treatment of waste.

3.5 Carparking, Access, Loading And Unloading Facilities

3.5.1 Objectives

- To ensure adequate carparking and vehicle circulation is provided on-site so that vehicles will enter and leave the site in a forward direction.
- To ensure adequate provisions for loading and unloading on site.

3.5.2 Carparking Access, Loading and Unloading Facilities

<u>Development</u>	<u>Carparking Requirement</u>
Bulk Store Warehouse	1 per 300sqm gross floor area.
Commercial/Retail Premises	1 per 40sqm gross floor area.
Industry (Factory)	1 per 100sqm gross floor area or 2 per factory unit, whichever is greater.
Motor Showroom	1per 200sqm gross floor area and any outdoor motor display and service area plus three (3) per service bay.
Refreshment Rooms	1per 10sqm gross floor area or 1 per 3 seats, whichever is greater.
Retail Centre	1 per 25sqm gross leasable area.
Retailing of Bulky Goods	1 per 50sqm gross floor area.
Service Station - Convenience Account	5 per work bay plus 1 per 20sqm gross floor area of convenience store.
Transport Terminal	1 truck space for each truck associated with the development, plus 1 carparking space per driver plus 1 per 2 on-site employees. Note: the number of truck parking spaces must recognise both fleet vehicles and contract operator's vehicles.

3.5.3 Carparking Layouts, Ingress, Egress, Loading and Unloading Facilities

Carparking layouts, ingress, egress, loading and unloading facilities are to be provided in accordance with the "Roads & Traffic Authority's Guidelines."

3.6 Landscaping

3.6.1 Objectives

- To promote the coverage of areas outside the building with low maintenance landscaping.
- To ensure landscaping is adequate and maintained by the owners of the premises.
- To ensure that external hard stand areas do not detract from the aesthetics of the estate.

3.6.2 Standards & Guidelines

- (a) All sites are to provide landscaped buffers a minimum of 2m in width, adjacent to public areas (including roads).
- (b) Outdoor areas, including carparking areas, and outdoor storage areas are to be appropriately landscaped with landscaping to be adequately protected to avoid damage from use. Details to be provided in the landscaping plan.
- (c) Landscaping in the form of mounding and dense planting should be considered to reduce the impacts of noise and light adjacent to residential areas.
- (d) Council recommends the use of low maintenance landscaping for industrial sites which will be maintained. Council encourages establishment of lawns with a small number of some native trees and shrubs preferably those prolific in the Byron area which prove to be most hardy under local climatic conditions.
- (e) A landscaping plan detailing the location of vegetation and materials to be used including areas to be grassed, species and maturity of trees and shrubs, and materials to be used for walkways and screening of garbage stands is to be submitted with the development application for Council's approval.

3.7 Fencing

3.7.1 Objectives

- To provide for the security of the premises and outdoor storage areas.
- To ensure that fencing does not detract from the streetscape of the industrial area.

3.7.2 Standards & Guidelines

- (a) Fencing is not permitted forward of the primary building line and is required to be sited behind any side or rear landscape buffers, required by Clause 3.6.2(a).

3.8 Signs

3.8.1 Objectives

- To ensure consistent commercial exposure for industrial premises within the estates.
- To ensure signs of a high visual, orderly standard.

For the purpose of this Plan

"Identification Sign" is a sign sited a minimum of 0.5 metres above the ground which does not exceed 1m in height, has an area of not more than 1sqm and displays the name of the business operating on that site.

"Multiple Identification Sign" is a sign sited a minimum of 0.2 metres above the ground which does not exceed 1.5 metres in height, but an area of not more than 2sqm and displays the name of each business operating on that site, on a separate panel as shown in Figure 2.

"Flush Wall Sign" is a sign positioned flat against the wall of a building, has an area of not more than 6sqm which may include:

- name of the business
- nature of the business
- proprietors
- company logo and affiliation
- contact particulars
- hours of operation

"Fascia Sign" is a sign positioned flat against an awning which does not extend beyond the bounds of the awning and may include:

- name of the business
- nature of the business
- proprietors
- company logo and affiliation
- contact particulars
- hours of operation

3.8.2 For a factory (single occupancy):

- one identification sign is permitted to be erected within the landscape buffer.
- one flush wall sign or fascia sign is permitted to be erected on the front elevation of the building.
- a second identification sign may be considered where a factory has dual frontage.

3.8.3 For factory units:

- Two multiple identification signs are permitted to be erected within the landscape buffer per allotment.
- One (1) flush wall sign or fascia sign is permitted per tenancy.

3.8.4

Estate signs are to be erected at the entry to the estate and should display the name of the estate only. Such signs should not exceed a height of 1.5m from the ground, or have a width exceeding 3m. Council encourages high quality estate signs as these signs often set the tone for development within the estate. Applicants may choose from materials including stonework, brick or timber for the structure, whilst the sign could constitute the name of the estate etched in the timber or in a plaque to be mounted in the centre of the structure.

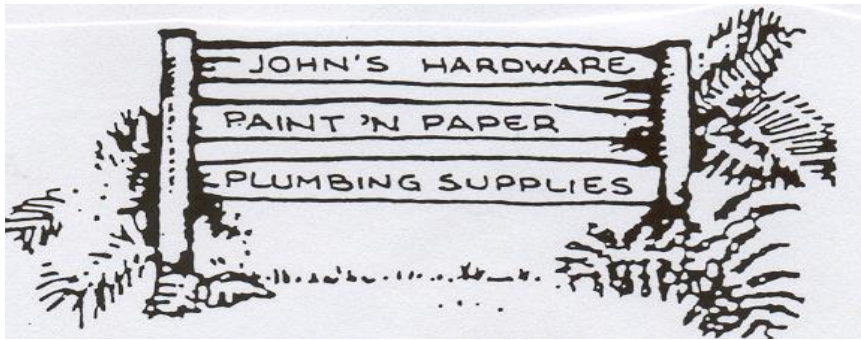


Figure 2 - Multiple Identification Sign

3.9 Outdoor Storage Areas

3.9.1 Objectives

- To ensure that the manner which goods are stored outside the building does not adversely impact upon water or air quality.
- To ensure that storage areas are adequately landscaped and maintained so as not to detract from the aesthetics of the estate.

3.9.2 Standards & Guidelines

- (a) Outdoor storage areas are to be sealed with details of types of goods or materials to be stored, manner of storage (i.e. stockpiling), maximum storage height, methods of protection of stored goods or materials and proposals to screen the stockpiles from public areas to be submitted with the development application.

3.10 Pollution Control

3.10.1 Objectives

- To ensure adequate disposal of pollutants which may be utilised on industrial sites.
- To ensure that the use of hazardous substances on site does not result in the pollution of surrounding land or waterways.

3.10.2 Standards & Guidelines

- (a) Air, water and noise pollution are regulated by the Clean Air Clean Waters and Noise Control Acts which are administered jointly by the Environmental Protection Authority and Council's Environmental Health Officers. Applicants are advised to contact the Environmental Protection Authority to ensure compliance with the relevant Acts.

(b) Stormwater:

- Stormwater is to be collected and discharged to the street or drainage easement.
- Construction of Stormwater Pollution Control Ponds or Cross Pollutant Traps on site will be required where pollutants could be washed into the stormwater system.
- Areas utilised for the servicing of plant and equipment are to be bunded to prevent the discharge of pollutants into stormwater.

(c) Storage of Waste and Removal:

- Incinerators are not permitted for waste disposal.
- Garbage stands are to be clearly identified on the plans and appropriately screened from public areas. Details are to be included in the landscaping plan (Clause 3.6.6).
- Adequate storage of waste materials must be provided within garbage stands. Details of types of waste, method of storage, method and frequency of disposal are to be submitted with the development application.

3.11 Section 94 Contributions

3.11.1 Objective

- To provide an avenue for Council to obtain revenue to provide the services and infrastructure necessary to cater for industrial development.

3.11.2 Standards & Guidelines

- (a) Section 94 contributions will be levied on developments in accordance with Council's adopted Section 94 Contributions Plan.

Chapter 16:

Exempt and Complying Development

Document History

Doc No.	Date Amended	Details Comments eg Resolution No.
	Adopted 23 November 1999 Effective 1 January 2000	Res 99-9088
#400542	Adopted 18 December 2001	Res 01-1398
#968106	Adopted 10 June 2010 Effective 23 September 2010	Res 10-389
#968106	14 October 2010	Res 10-696 - to create Draft DCP 2010 for public exhibition
#1015034		Draft DCP 2010 Chapter 16 (public exhibition copy)
#1071794	14 March 2011	Adopted Res 11-169: format changes applied

CHAPTER 16 – EXEMPT AND COMPLYING DEVELOPMENT

Certified copy pursuant to clause 21 of the Environmental Planning and Assessment Regulation 2000 as resolved by Council at its Ordinary Meeting of 10 June 2010.

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Introduction

This plan implements the Environmental Planning and Assessment Act 1979, in relation to exempt and complying development.

Exempt development is minor development having minimal environmental impact, which landowners will have the right to carry out without the need for development consent.

Complying development is development which complies with predetermined criteria and can be certified either by Council or by accredited (or 'private') certifiers.

Citation

This plan which may be cited as "Byron Shire Development Control Plan 2010 Chapter 16 - Exempt and Complying Development" constitutes a development control plan as provided for by section 74C of the Environmental Planning and Assessment Act, 1979.

Commencement Date

This plan first became effective on 1 January 2000.

History of Amendments

This Development Control Plan was first adopted on 23 November 1999.

Amended by Council resolution of 18 December 2001.

Amended by Council Resolution (10-389) on 10 June 2010.

Amended by Council Resolution (10-696) on 14 October 2010.

Application

This plan applies to the whole of Byron Shire.

Other legislation

This chapter of Byron Shire DCP 2010 exempts certain development from the need for approval under the Environmental Planning and Assessment Act. This does not exempt the need for compliance with other legislation. For example, many minor developments require approval under Section 68 of the Local Government Act, and works in road reserves require approval under Section 138 of the Roads Act. Contact Council for advice on how these approvals may be obtained.

Definitions

This chapter of Byron Shire DCP 2010 adopts definitions adopted under Byron Local Environmental Plan 1988, Byron Shire Development Control Plan 2010 Chapter 1 and the Building Code of Australia.

Expressions used in this chapter which are defined in the dictionary at the end of the Local Government Act 1993 (the "Act Dictionary") have the meanings set out in the Act Dictionary unless a provision of Byron Local Environmental Plan 1988 or any chapter of Byron Shire DCP 2010 specifically indicates to the contrary.

In the event of any inconsistency between the above documents in relation to definitions, development standards, planning controls, specifications or other provisions, the Byron Local

Environmental Plan 1988 shall prevail over this Development Control Plan, and this Development Control Plan shall prevail over the Building Code of Australia.

The following terms are defined under Byron Local Environmental Plan 1988 and Chapter 1 of Byron Shire DCP 2010 and appear in *italic* print in this chapter:

- *flood liable land*
- *floor plan area*
- *floor space ratio*
- *gross floor area*
- *industry*
- *items of the environmental heritage*
- *light industry*
- *offensive or hazardous industry*
- *refreshment room*
- *storey*

Should Byron Local Environmental Plan 1988 or Chapter 1 of Byron Shire DCP 2010 be amended with regard to the abovementioned definitions, the provisions of the LEP and Chapter 1 of Byron Shire DCP 2010 with regard to those definitions shall prevail.

For the purposes of this chapter the following terms, which are not defined in the LEP or Chapter 1 of Byron Shire DCP 2010, and appearing in *italic* print in this chapter, are defined as follows:

- “*building setback*” means the area between the building and the boundary of the property fronting the street or road or, where stated in this chapter, to side or rear boundaries.
- “*domestic use*” or “*domestic purposes*” means uses and purposes ordinarily undertaken in relation to occupation of a residence, not for commercial gain.
- “*educational use*” means located on land used by approved schools (whether government or non-government).
- “*fire hazard area*” means land identified by Council as being subject to medium or high fire danger.
- “*one per property*” means one structure or type of development per property since the date of adoption of the Local Approvals Policy by Byron Shire Council on 22 August 1995.
- “*rear yard*” means that area of land behind an existing dwelling or other structures such as garages, which may conceal minor development from the street.
- “*structural adequacy*” means the ability of the design of the building or structure including its material and components to resist loads determined in accordance with AS 1170-loading codes parts 1 to 4, and the materials and forms of construction complies with Australian Standards identified in Clause B1.3 of the Building Code of Australia.

Special Provisions - Bangalow

The following special provisions apply to exempt and complying development in that part of Bangalow delineated on the Special Provisions – Bangalow map in this chapter. If the prescribed materials, colours and finishes are not going to be used a Development Application is to be submitted to Byron Shire Council for assessment.

Materials

Wall Cladding

Timber wall cladding must be horizontal chamferboard or weatherboard profile.

Bricks must resemble older smooth face brick buildings for colour (red), size and texture with a federation style mortar (examples are found in the National Australia Bank, Old Westpac Bank, Anglican and Catholic churches and No. 55 Granuaille Road). Rendering of brick and block is permissible, surface texture is to range between smooth and slightly sponged finish.

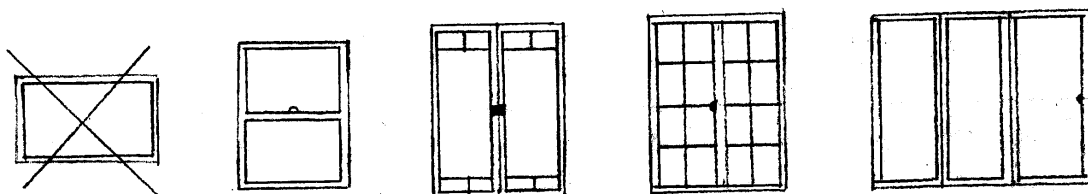
Note: The following are not permissible as complying development: split block, modular (thin) blocks, multi-coloured bricks, blonde, white or cream bricks, textured or calsil bricks.

Roofs

Roofs of new buildings must be constructed of corrugated, pre-painted sheet metal (such as Colorbond™ or Zinalume™). Roof tiles, other than re-roofing of existing approved development, are not permitted as exempt or complying development in new residential development areas. Roof pitch shall be in the range of 30 to 45 degrees.

Windows

Material to be timber or coloured aluminium with preference to be given to double hung windows to the street elevation. Windows to have a vertical dimension greater than horizontal (diagram). Older style windows within Bangalow traditionally have a predominantly vertical proportion.



Colour

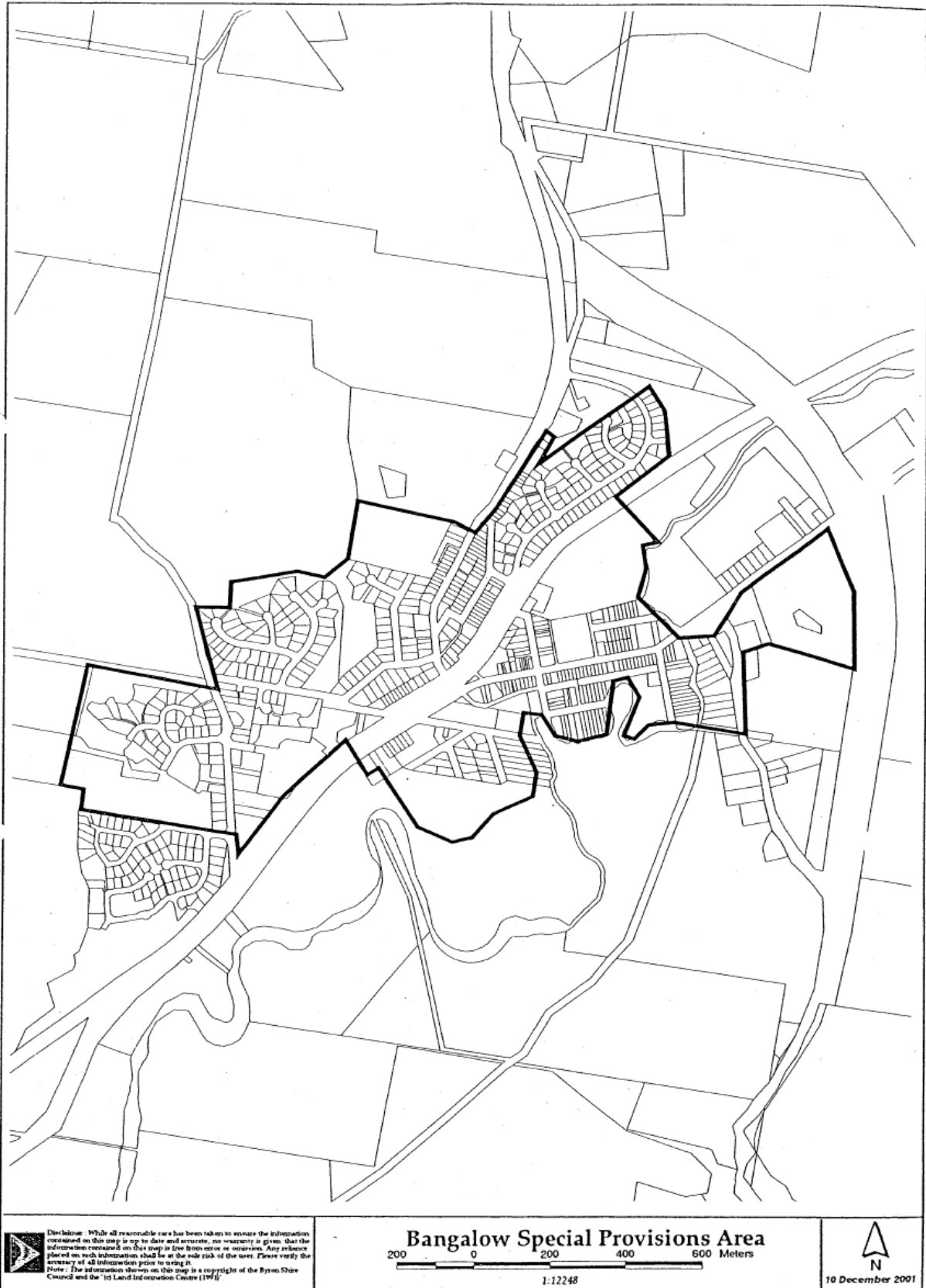
There is no restriction on the use of colour but strong contrast in colours shall be avoided in preference to colour schemes based on a reference to existing traditional Bangalow heritage colour schemes.

Fencing

Street fencing shall be picket, slat, hedge or brick pillar with timber or wrought iron inserts. The following are not permissible as exempt or complying development for street boundary fencing: galvanised weld-mesh, fibre-cement sheet, profiled metal sheet or brick fences over 1.2m high.

Signs

Commercial signage within the Bangalow heritage precinct (as defined under Byron Local Environmental Plan 1988) must conform to National Trust & Heritage Council guidelines as to location, size, lettering style and colour.

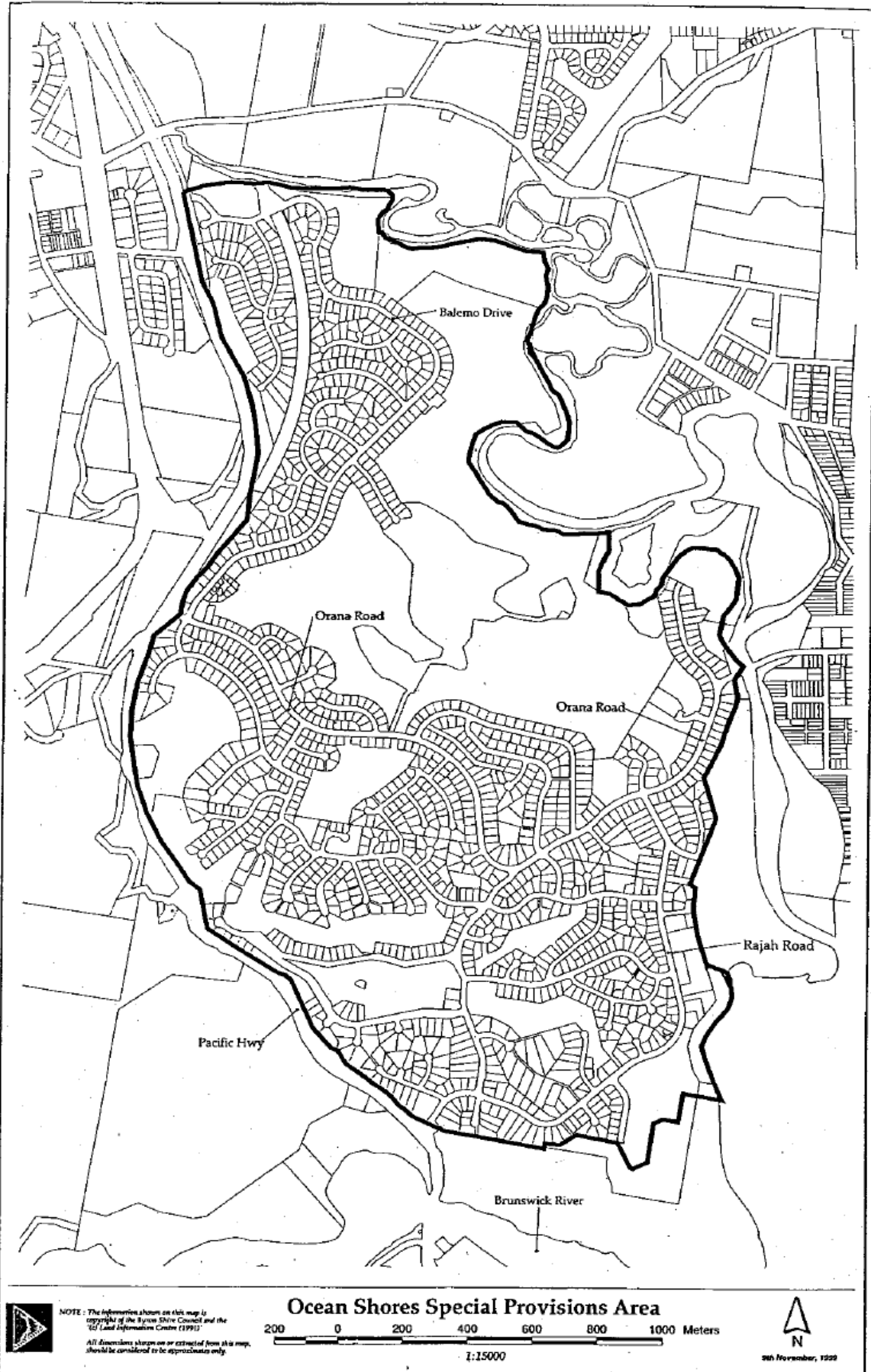


Special Provisions - Ocean Shores

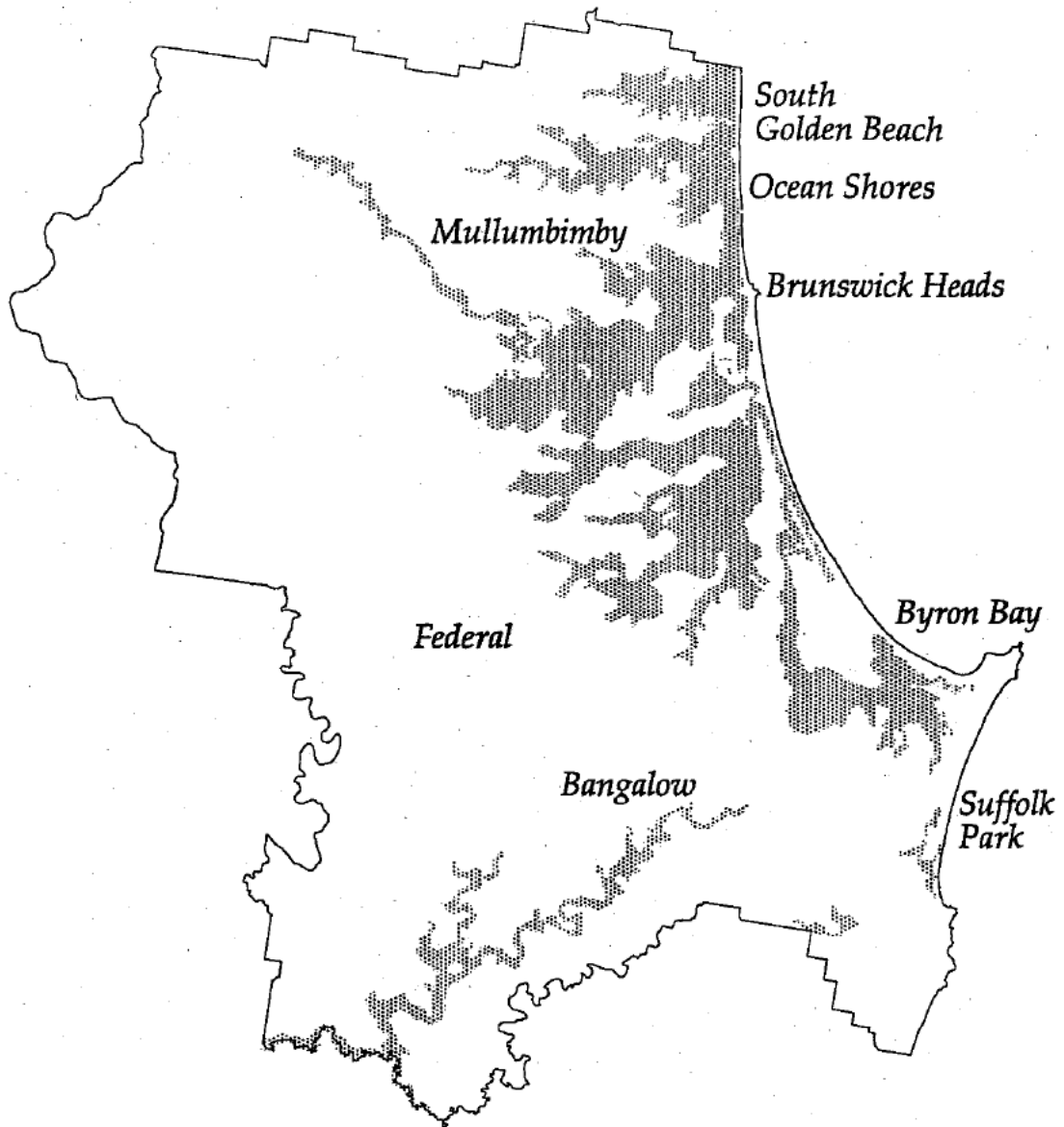
The following special provisions apply to exempt and complying development in Ocean Shores. If the prescribed materials, colours and finishes are not going to be used a Development Application is to be submitted to Byron Shire Council.


Fences along street frontage of allotments or along any side boundary extending from the front allotment boundary to the front alignment of a dwelling-house are not exempt development.

Dwellings shall not be constructed with flat sheet external walls. All roofing materials should be non-reflective. Plain zincalume and white or off-white colours are not to be used.




NOTE: This map provides general information only, detailed assessment is required at the property level to determine exact boundaries.



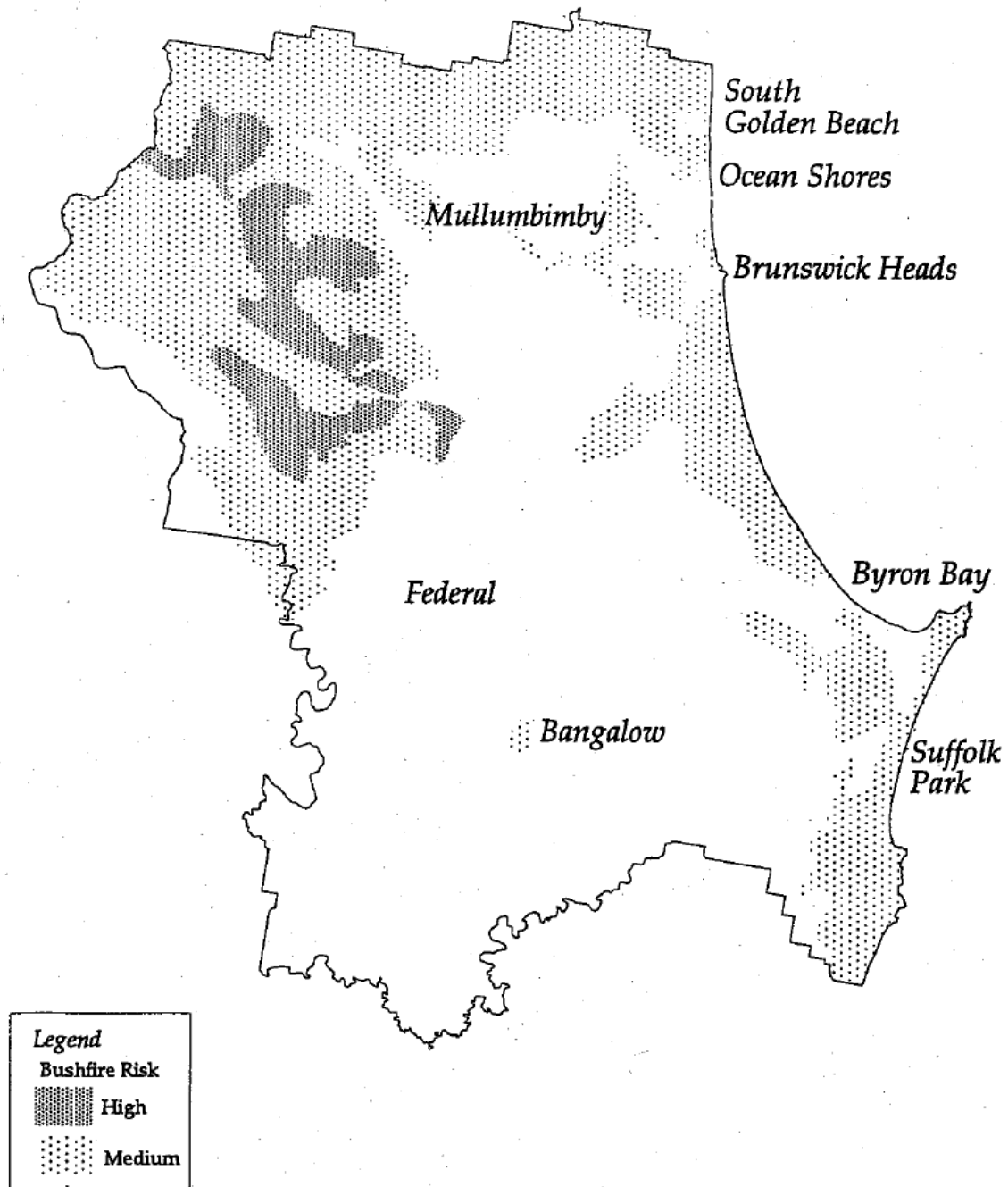
 **NOTE:** The information shown on this map is copyright of the Byron Shire Council and the 'G' Land Information Centre (1991)
All dimensions shown are as extracted from this map, should be considered to be approximates only.

Flood Prone Land - Byron Shire

2 0 2 4 6 Kilometers


December, 1999

NOTE: This map provides general information only, detailed assessment is required at the property level to determine exact boundaries.



Fire Hazard - Byron Shire

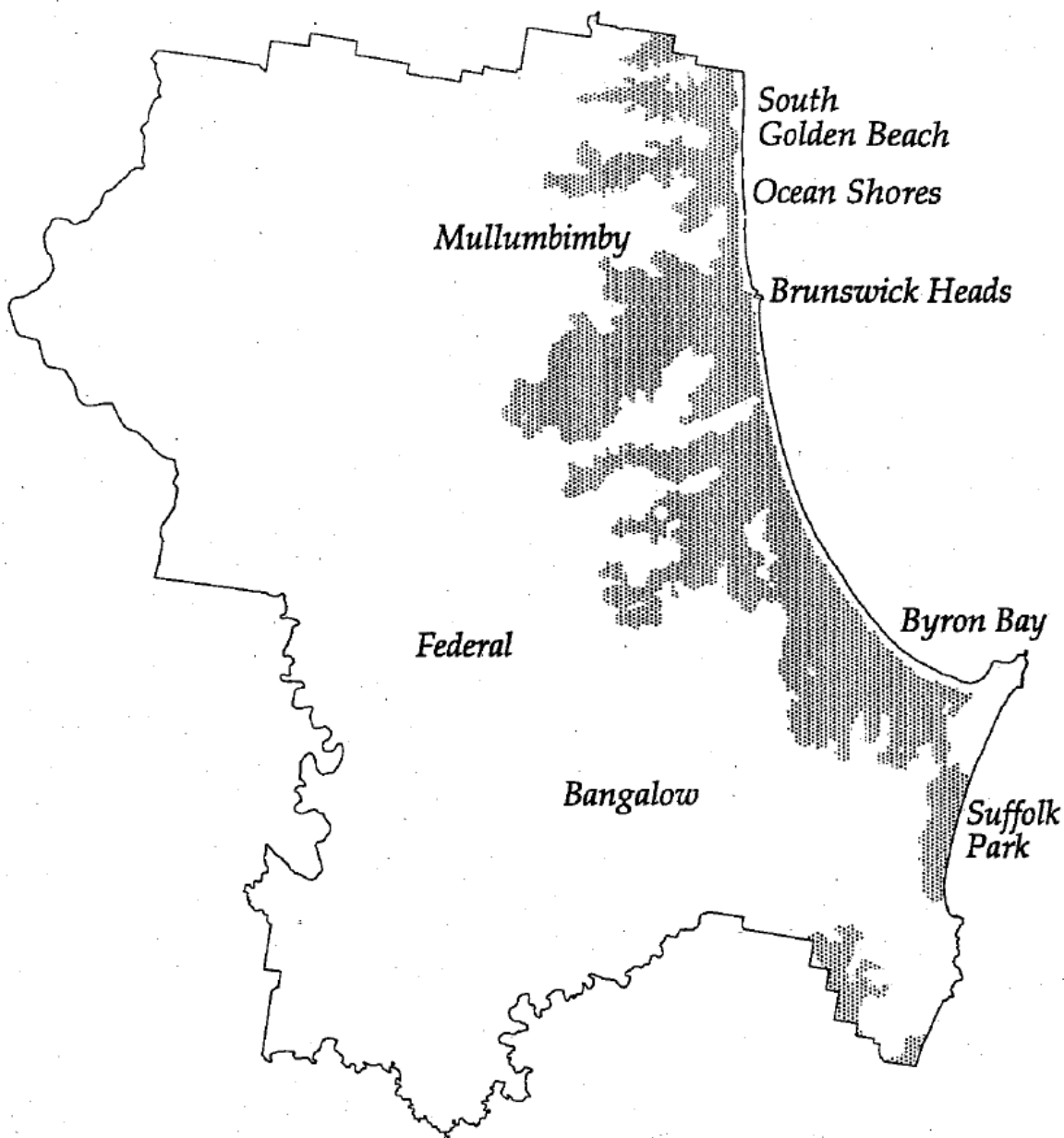
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All dimensions shown on or extracted from this map, should be considered to be approximate only.

2 0 2 4 6 Kilometers

December, 1999

NOTE: This map provides general information only, detailed assessment is required at the property level to determine exact boundaries.



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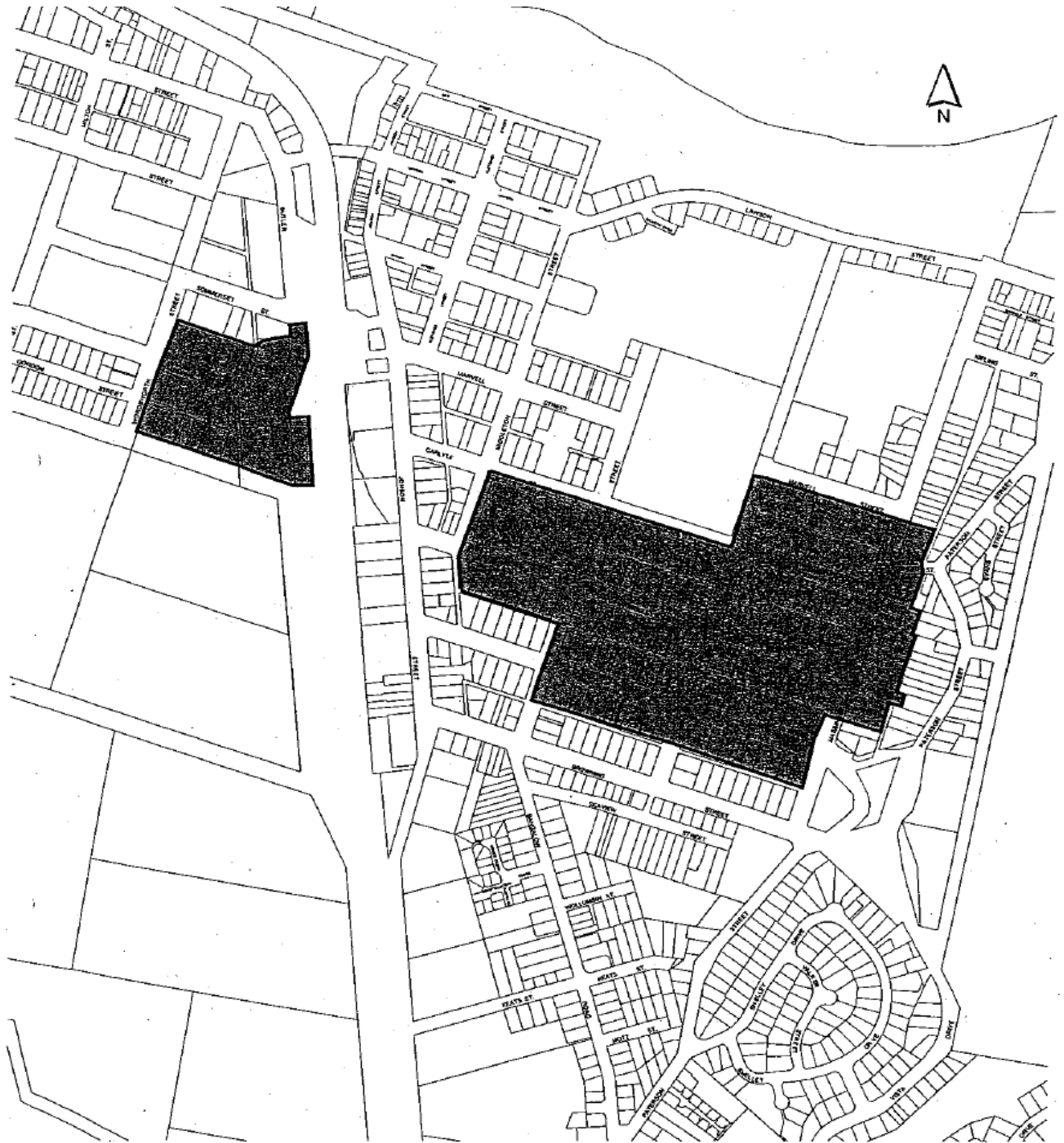
All dimensions shown on or extracted from this map, should be considered to be approximate only.

Potential Acid/Sulfate Soils - Byron Shire



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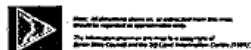


December, 1999



LEGEND

	Cadastre
	Character Areas



Character Areas	
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March, 2007

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Objectives

The objective of this part is to provide criteria and guidelines for categorising exempt development in accordance with the provisions of Byron Local Environmental Plan 1988.

Advertising and notification

There shall be no requirement of either Council, landowner or the proponent to advertise or notify any person of the intention to undertake exempt development.

General provisions

This part sets out criteria which must be met for development to be categorised as exempt development as prescribed by Byron Local Environmental Plan 1988. If the criteria are not met, the development is not exempt and requires development consent. This may be obtained under complying development provisions or, if there are no relevant complying development criteria, as local development requiring development consent from Council.

The exemptions under this part do not negate the need for approvals or consents required under other legislation such as the Local Government Act 1993, Roads Act 1993, and the Protection of the Environment Operations Act 1997.

If there is any doubt as to whether a development requires approval, Council should be consulted prior to work commencing.

In relation to the siting of all activities that Council has exempted from the need for approval, consideration should be given to the following:

- a) the amenity of neighbours;
- b) the possibility of the structure harbouring vermin;
- c) any potential fire risks;
- d) the location of easements, sewer lines, etc; and
- e) adequate drainage provision.

Approval will be required for developments exceeding the dimensions stipulated in this Plan. For example if a 20m² deck has already been built, any extension to that deck would require approval.

Notes in the text are explanatory notes provided to assist understanding, and are not provisions of this chapter.

Development is not exempt if it is carried out on land that is:

- a) the site of an item of environmental heritage under the Byron Local Environmental Plan 1988 (refer to Schedule 2 of the LEP); or
- b) in Zone No. 7(f1) (Coastal Land Zone), apart from land owned by or having management vested in Byron Shire Council or other public authorities.
- c) an Aboriginal Place under the National Parks and Wildlife Act 1974; or
- d) reserved or dedicated under the Crown Lands Act 1989 for the preservation of flora, fauna or geological formations or for other environmental protection purposes; or
- e) land to which State Environmental Planning Policy No 14 - Coastal Wetlands applies; or
- f) land to which State Environmental Planning Policy No 26 - Littoral Rainforests applies; or
- g) an aquatic reserve declared under the Fisheries Management Act 1994.

Development is exempt development only if it:

- a) complies with the provisions of Byron Local Environmental Plan 1988 and the conditions of any development consent applying to the land, including approved plans;
- b) complies with the deemed-to-satisfy provisions of the Building Code of Australia and does not cause any existing building to contravene the Building Code of Australia;
- c) is wholly located on the property, in the case of residential development;
- d) does not obstruct drainage of the site;
- e) does not occur on land used for on-site sewage management;
- f) is constructed in accordance with Byron Council policy 4.20 (Building over Pipelines and Other Underground Structures) if it is within the zone of influence of a sewer or water pipe;
- g) does not restrict any vehicular or pedestrian access to or from the site;
- h) does not encroach on any easement;
- i) does not require a tree to be removed, other than tree removal which is exempt under the provisions of this Development Control Plan, and is not within the dripline of a tree;
- j) is behind the *building setback*, if in a heritage conservation area or associated with an item of the environmental heritage as identified in Byron Local Environmental Plan 1988 or Byron Shire DCP 2010;
- k) in the case of buildings, complies with setbacks as per the following table:

from the street frontage:

i.	along classified or arterial roads in a 2(a)(Residential Zone)	10m
ii.	elsewhere in 2(a)(Residential Zone) except Ocean Shores	6.5m
iii.	Ocean Shores 2(a)(Residential Zone)	7.6m
iv.	from the boundary of an arterial road (as defined on Byron LEP 1988 maps) in rural zones	55m
v.	elsewhere in rural zones	15m

refer to the general provisions at the start of this chapter as well as the general requirements for exempt development on pages 13 -15

Note: corner lots - on local or secondary roads, setbacks of up to 50% less than the required setback will be permitted on one frontage.

<u>side and rear boundary setback</u> - urban	0.9m
<u>side and rear boundary setback</u> - rural	15m

Exempt Development Table

Type of Activity	Exemption Circumstances/ Requirements	Advisory Note
<p>Access ramps for people with access disabilities</p>	<p>Maximum height 1m Maximum grade 1:14 and otherwise in compliance with AS 1428.1</p> <p>Ramps to comply with requirements of Building Code of Australia and not to hinder required egress provisions.</p>	<p>If on land identified as bush fire prone ramps must be of fire retardant construction.</p>
<p>Aerials/antennae/microwave antennae (not including satellite dishes – dealt with separately below)</p>	<p>For <i>domestic use</i> only, to a maximum height of 6m above the roof line.</p>	<p>Care should be taken to ensure the positioning of antennae does not obstruct views from adjoining neighbours.</p>
<p>Air conditioning units for dwellings (attached to external wall or ground mounted)</p>	<p>Located a minimum of 3m off any property boundary.</p> <p>The building work must not reduce the <i>structural adequacy</i> of the building.</p> <p>Any opening created is to be adequately weatherproofed.</p>	<p>The installation of air conditioning units has the potential to cause offensive noise nuisances to neighbours; care should therefore be taken in positioning such units to ensure the amenity of residents. The units should also be the subject of a routine maintenance program to ensure their proper functions.</p>
<p>Air conditioning units for commercial, industrial</p>	<p>Maintain Fire Resistant Level. No drainage to public footways. Building works must not reduce the <i>structural adequacy</i> of the building. Any opening created is to be adequately weatherproofed and is to be <i>structurally adequate</i>. Minimum 2.6m above any footpath. Excluding regulated systems (water cooling and warm water</p>	

refer to the general provisions at the start of this chapter as well as the general requirements for exempt development on pages 13 -15

Type of Activity	Exemption Circumstances/ Requirements	Advisory Note
	systems under Public Health Act, 1991).	
<p>Alterations to completed buildings or works</p>	<p>Non-structural alterations to the exterior of a building, such as painting, plastering, cement rendering, cladding, attaching fittings and decorative work.</p> <p>Interior alterations which do not affect a load-bearing or structural component of a building.</p> <p>Non-structural work only such as:</p> <ul style="list-style-type: none"> * replacement of doors; wall, ceiling or floor linings; or deteriorated frame members with equivalent or improved quality materials; * renovation of dwellings, such as bathrooms, kitchens (but not including any new installation of “insinkerators”), inclusion of built-in fixtures such as vanities cupboards and wardrobes. <p>Work not to include changes to the configuration of rooms whether by removal of existing walls, partitions or by other means, or so as to increase the number of bedrooms.</p> <p>Works shall not cause reduced window arrangements for light and ventilation needs, reduced doorways for egress purposes or involve enclosure of open areas.</p> <p>Works shall not create a separate or new room.</p> <p>Works shall not impair path of</p>	<p>Works must maintain compliance with the conditions of any relevant development consent including approved plans.</p> <p>Works involving plumbing and works involving commercial kitchens need approval under Section 68 of the Local Government Act 1993.</p> <p>Council has banned the installation of “insinkerators” (pursuant to Council resolution no. 00/231 of 11 April 2000). Alterations should not affect the <i>structural adequacy</i> of a building. For example, external walls are often strengthened and stabilised by internal walls that resist loads such as wind forces. The removal of internal walls without considering overall strength and stability may result in the failure of external walls.</p> <p>Any work involving asbestos cement should comply with the WorkCover Authority’s “Guidelines for Practices Involving Asbestos Cement in Buildings”.</p> <p>Any work involving lead paint removal must not cause lead contamination of air or ground.</p>

refer to the general provisions at the start of this chapter as well as the general requirements for exempt development on pages 13 -15

Type of Activity	Exemption Circumstances/ Requirements	Advisory Note
	<p>egress from a building.</p> <p>Work affecting access arrangements to commercial buildings is to comply with the requirements of the Disability Discrimination Act 1992.</p>	
<p>Ancillary or incidental development</p>	<p>Development on land for a purpose that is ancillary or incidental for which the land may be used, being development for the purpose of parking, loading facilities, drainage, workers' amenities, pollution control, security or for other similar purposes.</p> <p>Works for drainage and pollution control must not disturb potential acid sulfate soils.</p>	<p>Works must maintain compliance with the conditions of consent applying to the development including approved plans.</p> <p>A map of potential acid sulfate soils is included in this DCP chapter. Contact Byron Shire Council for more information.</p>
<p>Ancillary sporting structures such as goal posts, sight screens on sporting/ playing fields for use in the playing/ performance of sporting events, excluding grandstands, dressing sheds, lighting and other structures).</p>	<p>Constructed and installed in accordance with design loading code AS 1170 parts 1 to 4.</p>	<p>Any of these items erected on private land require prior approval of Council.</p>
<p>Assembly building (BCA Class 9b) used for a public meeting</p>	<p>Use of an assembly building, including trade workshop, laboratory or the like in a primary or secondary school for a public meeting.</p>	<p>Does not authorise use for a "place of assembly" as defined under Byron Local Environmental Plan 1988.</p>
<p>Awnings and shade structures on or associated with dwellings</p>	<p>Maximum area 10m²</p> <p>Located wholly within property boundaries.</p> <p>Positioned and designed to satisfy requirements of the relevant development control</p>	

refer to the general provisions at the start of this chapter as well as the general requirements for exempt development on pages 13 -15

Type of Activity	Exemption Circumstances/ Requirements	Advisory Note
	plan provisions.	
Barbecues	All heating methods. Wood fired barbecues to be located a minimum of 5m from residential building/s. Maximum area - 2m ² Maximum height - 2m <i>Rear yard</i> only in urban areas <i>One per property</i>	Care should be taken in locating wood fired barbecues to take account of prevailing wind conditions, so as not to cause a nuisance to neighbours.
Bushfire Hazard Reduction	Must be in accordance with Council's Bushfire Hazard Management Plan Must be consistent with the Rural Fires Act 1997	
Bird aviaries, cabanas/gazebos, green houses	Maximum area 20m ² Maximum height 2.4m Positioned and designed to satisfy the requirements of the relevant development control plan provisions. <i>Rear yard</i> only in urban areas One of each type per property <i>Domestic purpose</i> only.	Adequate anchorage of the structure is necessary to resist wind and movement forces.
Change to a similar use	Change from: <ul style="list-style-type: none"> • one type of social or sporting club to another type of social or sporting club. • one type of shop to another kind of shop, or • from one type of commercial premises to another type of commercial premises, or • from one type of <i>light industry</i> to another type of 	This provision does not authorise a change of use where: <p>(a) the current use is permissible only under the existing use rights provisions of the Environmental Planning and Assessment Act, 1979,</p> <p>(b) restricted publications, within the meaning of the Indecent Articles and</p>

refer to the general provisions at the start of this chapter as well as the general requirements for exempt development on pages 13 -15

Type of Activity	Exemption Circumstances/ Requirements	Advisory Note
	<p><i>light industry, or</i></p> <ul style="list-style-type: none"> • from an <i>industry</i> to a type of <i>light industry</i>, <p>where:</p> <p>a) the premises is already lawfully used for, or has development consent for use as, a shop, commercial premises, <i>industry</i> or <i>light industry</i>;</p> <p>b) the new use is not prohibited on the land;</p> <p>c) the new use is not actually or potentially a <i>hazardous or offensive industry</i>, or will provide a storage facility for such <i>industry</i>, and</p> <p>d) there are no outstanding Notices or Orders applying to the premises.</p> <p>e) no expansion outside the hours of operation stated on the development consent which permits the use.</p> <p>f) the new use does not involve premises regulated under the Public Health Act (such as hairdressing or skin penetration) or the Food Act.</p> <p>g) the new use is not for commencing, increasing or intensifying the preparation, sale, or consumption of food. It does not authorise development for a <i>refreshment room</i></p>	<p>Classified Publications Act 1975 are shown, exhibited, displayed, sold, or otherwise rendered accessible or available to the public,</p> <p>(c) a business to which section 10 of the abovementioned Act applies is conducted, or</p> <p>(d) a business is conducted, an object of which is the display or exhibition of any article, within the meaning of the abovementioned Act, that is primarily concerned with sexual behaviour, but is not printed matter.</p> <p>Where a building is used for the purposes of a shop or commercial premises in pursuance of this clause:</p> <p>(a) the curtilage of the shop or commercial premises shall not be used for storage or display purposes, and</p> <p>(b) the hours of operation of the shop or commercial premises shall not, in the case of a building used for the purposes of a shop or commercial premises immediately before the commencement of the use authorised by this clause, extend outside the hours during which the shop or commercial premises were so used at that time.</p> <p>Where, immediately before the commencement of a use of a building authorised by this clause, a condition relating to:</p> <p>(a) the maintenance of</p>

refer to the general provisions at the start of this chapter as well as the general requirements for exempt development on pages 13 -15

Type of Activity	Exemption Circumstances/ Requirements	Advisory Note
		<p>landscaping,</p> <p>(b) the parking of vehicles, or</p> <p>(c) the provision of space for the loading or unloading of goods or vehicles, was imposed upon the use of the building or the use of the land upon which the building was erected, that condition applies to and in respect of the use of the building so authorised or the use of the land upon which it is erected in the same way as it applies to and in respect of that former use.</p> <p>These provisions do not authorise the use for the purposes of a <i>light industry</i> of any of the floor space of a building, if:</p> <p>(a) the total of the floor space which, in the absence of this paragraph, would be authorised to be so used in that case exceeds 500 square metres, or</p> <p>(b) the building does not have rear service access or access to off-street loading facilities.</p> <p>Where a building is used for the purposes of a <i>light industry</i> in pursuance of this clause:</p> <p>(a) the curtilage of the building shall not be used for storage or display purposes, and</p> <p>(b) the hours of operation of the <i>light industry</i> shall not:</p> <p>(i) in the case of a building</p>

refer to the general provisions at the start of this chapter as well as the general requirements for exempt development on pages 13 -15

Type of Activity	Exemption Circumstances/ Requirements	Advisory Note
		<p>used for the purposes of an <i>industry</i> immediately before the commencement of the use authorised by this clause, extend outside the hours during which the building was so used at that time, and</p> <p>(ii) in any other case, extend outside the hours between 6am and 6pm</p> <p>Where, immediately before the commencement of a use of a building authorised by this clause, a condition relating to:</p> <p>(a) the maintenance of landscaping,</p> <p>(b) the parking of vehicles, or</p> <p>(c) the provision of space for the loading or unloading of goods or vehicles, was imposed upon the use of the building or the use of the land upon which the building was erected.</p>
<p>Clothes hoists/Lines</p>	<p>Installed to manufacturer's specifications.</p> <p><i>Rear yard</i> only.</p>	
<p>Council works: emergency and routine works by or on behalf of Council or other public authorities</p>	<p>Repairing or replacing works damaged by natural disaster, accident, acts of vandalism or similar occurrence, including work or measures preventing or limiting further damage.</p> <p>Repairing or replacing works not functioning including measures to prevent further malfunction.</p> <p>Periodic inspection, cleaning,</p>	<p>The Roads Act exempts Council from the provisions of the Environmental Planning and Assessment Act in relation to tree removal for the purpose of carrying out road work or removing a traffic hazard.</p>

refer to the general provisions at the start of this chapter as well as the general requirements for exempt development on pages 13 -15

Type of Activity	Exemption Circumstances/ Requirements	Advisory Note
	<p>repair and replacing works but not including development that would increase the designed capacity of works.</p> <p>Ancillary development in connection with the abovementioned emergency or maintenance work.</p> <p>Tree removal in accordance with the Tree Preservation Order.</p>	
<p>Council works: minor structures park and street furniture, seats, bins, bottle banks, picnic tables, minor shelters (including bus shelters), footpaths and cycleways, fences, gates, footbridges, stairways and the like</p>	<p>Constructed by or for Council and designed, fabricated and installed in accordance with relevant standards.</p> <p>Located on land under ownership or management of Council or other public authorities.</p> <p>Playground equipment</p>	
<p>Council works: playground equipment On land classified as community land.</p>	<p>Constructed by or for Council and designed, fabricated and installed in accordance with AS1924, AS2155 and DR94007 - DR94010.</p>	<p>“Community land” is a classification under the Local Government Act 1993.</p>
<p>Cubby houses and playground equipment</p>	<p>Maximum height 2.4m</p> <p>Maximum area 10m²</p> <p>Setback in accordance with Byron Shire DCP 2010 Chapter 1.</p>	
<p>Decks (unroofed and attached, or ancillary, to single dwelling-houses)</p>	<p>Finished surface level not greater than 1m above existing ground level.</p> <p>Maximum area 20m²</p> <p>Required boundary setbacks in accordance with Byron Shire DCP 2010 Chapter 1 to be</p>	<p>Roofing of a deck requires either development consent or a Complying Development Certificate. Refer to complying development provisions.</p> <p>In medium or high bush fire hazard areas decks must be of fire retardant construction.</p>

refer to the general provisions at the start of this chapter as well as the general requirements for exempt development on pages 13 -15

Type of Activity	Exemption Circumstances/ Requirements	Advisory Note
<p>Demolition</p>	<p>maintained.</p> <p>Demolition of:</p> <ul style="list-style-type: none"> • Any development being exempt development or complying development under this Development Control Plan, or • Any building classified as Class 1 or Class 10 under the Building Code of Australia, or • Any structure up to 30 square metres in area, <p>- except where asbestos removal is involved.</p> <p>Demolition required by an order under section 121B of the Environmental Planning and Assessment Act, 1979.</p> <p>NOT INCLUDING demolition of any structure within the heritage precinct of Bangalow (as described in Byron Local Environmental Plan 1988).</p> <p>NOT INCLUDING demolition of any structure having a floor area over 30 m² located within the character precincts of Byron Bay as identified on the map contained within this chapter.</p>	<p>Any works involving asbestos cement must comply with the WorkCover Authority's "Guidelines for Practices Involving Asbestos in Buildings."</p> <p>Class 1 buildings are generally dwellings. Class 10 buildings are generally sheds. Contact Council for further information.</p> <p>Demolition is to be carried out to Australian Standard AS2601 - 1991 Demolition Code.</p> <p>Any work involving lead paint removal must not cause lead contamination of air or ground.</p> <p>A minimum of 24 hours prior notice shall be given to disposal of waste at Council facilities.</p>
<p>Driveways ancillary to dwelling-houses</p>	<p><i>Structurally adequate</i> and stable construction with adequate reinforcement.</p> <p>Not elevated or supported above natural ground level.</p> <p>Surface water not to be redirected to adjoining property.</p>	<p>Approval is required under Section 138 of the Roads Act for works in a road reserve.</p> <p>Consult with utility providers regarding underground infrastructure and easements.</p>

refer to the general provisions at the start of this chapter as well as the general requirements for exempt development on pages 13 -15

Type of Activity	Exemption Circumstances/ Requirements	Advisory Note
	In accordance with Council's access standards.	
<p>Earthworks cut or fill associated with dwelling-houses</p>	<p>Not on flood prone land.</p> <p>Not within the dripline of any tree.</p> <p>Not on potential Acid Sulfate Soils</p> <p>Maximum depth 600mm above or below natural ground level.</p> <p>Area of disturbance no more than 600 m²</p> <p>Surface water not to be directed onto adjoining property.</p> <p>Erosion controls in place.</p> <p>Bare earth is to be turfed or seeded immediately on completion of works.</p> <p>In accordance with Council's sedimentation control standards.</p>	
<p>Electricity service pole/post (private)</p>	Complying with specifications of the electricity distributor.	
<p>Fences Other than fences covered by the Swimming Pools Act 1992.</p>	All fences are to be constructed so that they do not impede the natural flow of stormwater drainage.	<p>These requirements do not set aside the provisions of the Dividing Fences Act 1991. You are advised to talk to your neighbour at an early stage and consult the Dividing Fences Act. Development consent is required for tree removal for the purpose of establishing a fence.</p>
<p><u>Fences in residential zones</u></p>	Fences must comply with the provisions of area specific chapters of Byron Shire DCP	

refer to the general provisions at the start of this chapter as well as the general requirements for exempt development on pages 13 -15

Type of Activity	Exemption Circumstances/ Requirements	Advisory Note
<p>Boundary fences (in the building setback and street or any other public place)</p> <p>Side and rear boundary fences (between the building setback and the rear boundary)</p> <p>Masonry or brick fences</p>	<p>2010 such as Chapter 12 Bangalow and Chapter 14 Ocean Shores.</p> <p>Maximum height 1.2m if constructed of timber, metal or light weight materials. Fences are not permitted in the front setback in Ocean Shores (refer to Chapter 14).</p> <p>Maximum height 1.8m if constructed of timber, metal or light weight materials.</p> <p>Maximum height 600mm.</p>	<p>Refer to Complying Development section for masonry fences over 0.6m.</p>
<p>Stock fences in rural zones</p>	<p>Ancillary to agriculture.</p>	
<p>Fences in the industrial zone</p>	<p>Located behind landscaping.</p> <p>Plain steel mesh and barbed wire are not to be used.</p>	
<p>Flagpoles</p>	<p>Maximum height 6m above ground level.</p> <p>Maximum of 3 per property.</p> <p>Must be <i>structurally adequate</i>.</p>	<p>If flagpoles are to project over a public road they must comply with Clause 109 of the Approvals Regulation or relevant requirements.</p>
<p>Garden sheds</p>	<p>Maximum floor area 10m².</p> <p>Maximum wall height 2.4m.</p> <p>Non-reflective materials.</p> <p>Positioned and designed to satisfy the requirements of relevant area-specific chapters of Byron Shire DCP 2010.</p> <p>Located behind the existing</p>	

Type of Activity	Exemption Circumstances/ Requirements	Advisory Note
	dwelling or a minimum of 6m rearwards of the building setback of the existing dwelling.	
Hoardings	<p>Appropriate signage in place.</p> <p><i>Structurally adequate.</i></p> <p>Not less than 2.4m above footpath or thoroughfare.</p>	Approval under the Roads Act is required for hoardings in a road reserve.
Home occupations	<p>"Home occupation" means an occupation carried on in a dwelling-house or in a dwelling in a residential flat building by the permanent residents of the dwelling-house or dwelling which does <u>not</u> involve:</p> <p>(a) <i>repealed</i></p> <p>(b) the employment of persons other than those residents;</p> <p>(c) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise;</p> <p>(d) the display of goods, whether in a window or otherwise;</p> <p>(e) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling-house or dwelling to indicate the name and occupation of the resident); or</p> <p>(f) the sale of items (whether goods or materials) or the exposure or offer for sale of</p>	

refer to the general provisions at the start of this chapter as well as the general requirements for exempt development on pages 13 -15

Type of Activity	Exemption Circumstances/ Requirements	Advisory Note
	items, by retail.	
<p>Letter box Free standing or in 'banks'</p>	<p>Maximum height of 1.2m above ground level.</p> <p>Sufficient boxes to provide one for each dwelling.</p> <p>Appropriate numbering for each and visible from street alignment.</p> <p>Structurally stable with adequate footings.</p>	<p>Approval under the Roads Act is required for letter boxes in a road reserve.</p>
<p>Mobile sawmill</p>	<p>In rural zones.</p> <p>No more than 2 weeks operations in any 12 month period on any one property.</p> <p>Operated in accordance with the Protection of the Environment Operations Act 1997 (POEO Act).</p>	
<p>Pergola or patio (no walls)</p>	<p>Maximum area 20m²</p> <p>Maximum height 2.4m</p> <p>Maximum 1m above natural ground level.</p>	<p>Enclosure of pergolas is an increase in <i>gross floor area</i> and requires approval.</p>
<p>Photovoltaic Cells</p>	<p>Installed to manufacturer's specifications and requirements. Located such that structural members are adequate to support the intended structure.</p>	
<p>Portable or transportable classrooms and school buildings</p>	<p>Located on land on which a government school or a non-government school is located.</p> <p>Where the land is serviced by reticulated sewer.</p>	<p>Where a new portable building is proposed to be connected to the sewer, this exemption is conditional on approval under section 68 of the Local Government Act to connect to a sewer of the</p>

refer to the general provisions at the start of this chapter as well as the general requirements for exempt development on pages 13 -15

Type of Activity	Exemption Circumstances/ Requirements	Advisory Note
	<p><i>Structurally adequate.</i></p> <p>Structure is connected to a rainwater disposal system.</p> <p>One <i>storey</i> only.</p> <p>Installation under exemption provisions is only permitted for up to 5 years.</p>	<p>Council.</p>
<p>Rainwater Tanks</p>	<p>(1) For a rainwater tank to be exempt development, it must comply with the following requirements:</p> <p>(a) the capacity of the tank, or the combined capacity of tanks, on a lot must not exceed 10,000 litres,</p> <p>(b) the tank must be designed to capture and store roof water from gutters or downpipes on a building,</p> <p>(c) the tank must not collect water from a source other than gutters or downpipes on a building or a water supply service pipe,</p> <p>(d) the tank must be fitted with a first-flush device, being a device that causes the initial run-off of any rain to bypass the tank to reduce pollutants entering the tank,</p> <p>(e) the tank must be structurally sound,</p> <p>(f) the tank must be prefabricated, or be constructed from prefabricated elements that were designed and manufactured for the purpose of the construction of a rainwater tank,</p> <p>(g) the tank must be assembled</p>	

Type of Activity	Exemption Circumstances/ Requirements	Advisory Note
	<p>and installed in accordance with the instructions of the manufacturer or designer of the tank,</p> <p>(h) the tank, and any stand for the tank, must be installed and maintained in accordance with any requirements of the public authority that has responsibility for the supply of water to the premises on which the tank is installed,</p> <p>(i) the installation of the tank must not involve the excavation of more than 1 metre from the existing ground level, or the filling of more than 1 metre above the existing ground level,</p> <p>(j) the tank must not be installed over or immediately adjacent to a water main or a sewer main, unless it is installed in accordance with any requirements of the public authority that has responsibility for the main,</p> <p>(k) the tank must not be installed over any structure or fittings used by a public authority to maintain a water or sewer main,</p> <p>(l) no part of the tank or any stand for the tank may rest on a footing of any building or other structure, including a retaining wall,</p> <p>(m) the tank must be located behind the front alignment to the street of the building to which the tank is connected (or, in the case of a building on a corner block, the tank must be located behind both the street front and street side alignments of the building),</p>	

refer to the general provisions at the start of this chapter as well as the general requirements for exempt development on pages 13 -15

Type of Activity	Exemption Circumstances/ Requirements	Advisory Note
	<p>(n) the tank must not exceed 2.4 metres in height above ground level, including any stand for the tank,</p> <p>(o) the tank must be located at least 450 millimetres from any property boundary,</p> <p>(p) a sign must be affixed to the tank clearly stating that the water in the tank is rainwater,</p> <p>Note. If water in rainwater tanks is intended for human consumption, the tank should be maintained to ensure that the water is fit for human consumption—see the Rainwater Tanks brochure produced by NSW Health and the publication titled Guidance on the use of rainwater tanks, Water Series No 3, 1998, published by the National Environmental Health Forum.</p> <p>(q) any overflow from the tank must be directed into an existing stormwater system,</p> <p>(r) the tank must be enclosed, and any inlet to the tank must be screened or filtered, to prevent the entry of foreign matter or creatures,</p> <p>(s) the tank must be maintained at all times so as not to cause a nuisance with respect to mosquito breeding or overland flow of water,</p> <p>(t) any plumbing work undertaken on or for the tank that affects a water supply service pipe or a water main must be undertaken:</p> <p>(i) with the consent of the public authority that has responsibility</p>	

refer to the general provisions at the start of this chapter as well as the general requirements for exempt development on pages 13 -15

Type of Activity	Exemption Circumstances/ Requirements	Advisory Note
	<p>for the water supply service pipe or water main, and</p> <p>(ii) in accordance with any requirements by the public authority for the plumbing work, and</p> <p>(iii) by a licensed plumber in accordance with the <i>New South Wales Code of Practice—Plumbing and Drainage</i> produced by the Committee on Uniformity of Plumbing and Drainage Regulations in New South Wales,</p> <p>(u) any motorised or electric pump used to draw water from the tank or to transfer water between tanks:</p> <p>(i) must not create an offensive noise, and</p> <p>(ii) in the case of a permanent electric pump, must be installed by a licensed electrician.</p> <p>(2) Despite subclause (1) (a), a rainwater tank with a capacity exceeding 10,000 litres may be exempt development if another environmental planning instrument applying to the land concerned provides for such a rainwater tank to be exempt development.</p> <p>(3) This clause does not apply to land that is a lot within the meaning of the <i>Strata Schemes (Freehold Development) Act 1973</i> or the <i>Strata Schemes (Leasehold Development) Act 1986</i>.</p>	
<p>Re-cladding of roofs or walls.</p>	<p>Replace existing materials with similar materials.</p>	<p>Any work involving asbestos cement should comply with the WorkCover Authority's</p>

refer to the general provisions at the start of this chapter as well as the general requirements for exempt development on pages 13 -15

Type of Activity	Exemption Circumstances/ Requirements	Advisory Note
	<p>Re-cladding is not to involve structural alterations.</p>	<p>“Guidelines for Practices Involving Asbestos Cement in Buildings.”</p> <p>Any work involving lead paint removal must not cause lead contamination of air or ground.</p>
<p>Retaining Walls</p>	<p>Maximum Height:</p> <ul style="list-style-type: none"> • 0.6m where within 1.5m of any structure. • 0.6m where within 1m of a property boundary. • 1m elsewhere. <p>Masonry walls to comply with: AS3700 - Masonry Code AS3600 - Concrete Structures AS1170 - Loading Code</p> <p>Timber walls to comply with: AS1720 - Timber Structures AS1170 - Loading Code</p> <p>All retaining walls are to be backfilled with free draining materials, and constructed so that they do not prevent the natural flow of storm water drainage/run off.</p>	
<p>Satellite dishes</p>	<p>Maximum diameter of 900mm.</p> <p>Located below ridge line.</p> <p>Coloured to match existing roof, installed to manufacturers specification.</p>	
<p>Scaffolding</p>	<p>Sufficient structural strength to withstand and be impenetrable to the impact of falling rubble.</p> <p>Must enclose work area.</p> <p>Comply with AS1576</p>	

refer to the general provisions at the start of this chapter as well as the general requirements for exempt development on pages 13 -15

Type of Activity	Exemption Circumstances/ Requirements	Advisory Note
	To be removed immediately after the purpose for which it was erected has concluded and no safety problem will result from removal.	
Shade houses	<p>Ancillary to an existing dwelling-house.</p> <p>Maximum area 20 m²</p> <p>Maximum height 2.4m</p> <p>Maintain required boundary setbacks.</p> <p><i>One per property.</i></p>	Not to be used as, or ancillary to, a “plant nursery” or any other purpose requiring development consent under Byron Local Environmental Plan 1988, unless such consent is obtained.
Signs	<p><u>General requirements</u></p> <p>In addition to the particular requirements listed below for the different types of signs:</p> <p>(i) The erection of signs must comply with all of the requirements of the BCA, including Section B1(“Structural Provisions”);</p> <p>(ii) Signs must not cover mechanical ventilation inlets or outlet vents;</p> <p>(iii) Signs over a public road to be at least 600mm from kerb/roadway edge;</p> <p>(iv) A maximum of three (3) signs (other than real estate signs) only are permitted per premises without the consent of the Council.</p> <p>Flashing, neon, roof and pole signs require development consent.</p> <p>Signs are to be of a professional standard of construction and finish.</p>	Development consent is required for signs, other than those which do not meet the exemption requirements set out in this DCP chapter.

refer to the general provisions at the start of this chapter as well as the general requirements for exempt development on pages 13 -15

Type of Activity	Exemption Circumstances/ Requirements	Advisory Note
	<p>Signs and means of fixing and support are to be kept clean and maintained in good structural condition at all times.</p> <p>Renewal or change of wording of an existing approved sign is exempt development, where the sign is located on the land to which it refers or relates and the new sign complies with the requirements of Byron Shire DCP 2010 Chapter 1 Part L (Signs Policy).</p>	
<p>1.Business identification signs in residential areas*</p>	<p><u>Home Occupation Sign</u></p> <ul style="list-style-type: none"> (i) One sign per premises; (ii) Signs not exceeding 0.3m² in area; (iii) Bears only the name of the occupant and their occupation; (iv) Must not be located over a public road. <p><u>Real Estate Sign</u></p> <ul style="list-style-type: none"> (i) One sign per agent; (ii) Signs not exceeding 0.75m² in area; and (iii) Sign must be located on or attached to the land, building or structure (not being a tree), indicating that such land, building or structure is for sale, rent, auction or disposal by other means. 	
<p>2.Business identification signs in commercial areas*</p>	<p><u>Chalk Board</u></p> <ul style="list-style-type: none"> (i) a board not greater than 1.5 m² in area; (ii) must be located on the private property, to which the display relates; (iii) a chalk board must contain a signwritten heading indicating 	<p>Signs are to be of a professional standard of construction and finish.</p> <p>Signs and means of fixing and support are to be kept clean and maintained in good structural condition at all times.</p>

refer to the general provisions at the start of this chapter as well as the general requirements for exempt development on pages 13 -15

Type of Activity	Exemption Circumstances/ Requirements	Advisory Note
	<p>the premises to which it refers; and</p> <p>(iv) one sign per premises.</p> <p><u>Fascia Sign</u></p> <p>(i) Must be located on the fascia of awnings in lettering a maximum of 450 mm in height, providing that the height of lettering does not exceed the background dimensions of the fascia</p> <p><u>Flush wall signs</u></p> <p>(i) One sign per premises (ii) Not exceeding 2.5m² in area (iii) Securely fixed by metal supports</p> <p><u>Real Estate Sign</u></p> <p>(i) One sign per agent (ii) Signs not exceeding 2.5m² in area (iii) Sign must be located on or attached to the land, building or structure (not being a tree), indicating that such land, building or structure is for sale, rent, auction or disposal by other means</p> <p><u>Temporary Sign</u></p> <p>(i) Any sign which is erected or displayed to advertise community or civic projects, major construction projects or other special events on a temporary basis, for a period not exceeding 2 calendar months (ii) Advertising area is not to exceed 6 m²</p> <p><u>Wall Sign</u></p> <p>(i) Means any sign which is</p>	<p>Temporary Roads Act consent is required for temporary signs over public roads.</p>

refer to the general provisions at the start of this chapter as well as the general requirements for exempt development on pages 13 -15

Type of Activity	Exemption Circumstances/ Requirements	Advisory Note
	<p>Painted directly onto an exterior wall of a building or other structure</p> <p>(ii) The area of this sign does not exceed 6 m² and does not cover more than 25% of the area of such wall</p> <p><u>Window signs</u></p> <p>(i) Means any sign painted or displayed on a shop window or any glazed area of a building;</p> <p>(ii) Total advertising area not exceeding 6 m².</p>	
<p>3. Business identification signs in industrial areas*</p>	<p><u>Chalk Board</u></p> <p>(i) a movable board not greater than 1.5 m² in area;</p> <p>(ii) must be located on the private property to which the display relates;</p> <p>(iii) a chalk board must contain a signwritten heading indicating the premises to which it refers;</p> <p>(iv) one sign per premises.</p> <p><u>Fascia Sign</u></p> <p>(i) Must be located on the fascia of awnings in lettering a maximum of 450 mm in height, providing that the height of lettering does not exceed the background dimensions of the fascia.</p> <p><u>Flush wall signs</u></p> <p>(i) One sign per premises;</p> <p>(ii) Not exceeding 2.5m² in area;</p> <p>(iii) Securely fixed by metal supports.</p> <p><u>Real Estate Sign</u></p> <p>(i) One sign per agent;</p> <p>(ii) Signs not exceeding 3.5m² in area;</p>	<p>Signs are to be of a professional standard of construction and finish.</p> <p>Signs and means of fixing and support are to be kept clean and maintained in good structural condition at all times.</p>

refer to the general provisions at the start of this chapter as well as the general requirements for exempt development on pages 13 -15

Type of Activity	Exemption Circumstances/ Requirements	Advisory Note
	<p>(iii) Sign must be located on or attached to the land, building or structure (not being a tree), indicating that such land, building or structure is for sale, rent, auction or disposal by other means.</p> <p><u>Wall Sign</u></p> <p>(i) Means any sign that is painted directly onto an exterior wall of a building or other structure;</p> <p>(ii) The area of this sign does not exceed 6 m² and does not cover more than 25% of the area of such wall.</p> <p><u>Window signs</u></p> <p>(i) Means any sign painted or displayed on a shop window or any glazed area of a building;</p> <p>(ii) Total advertising area not exceeding 6m².</p>	
<p>Skylight (including solartube or similar type installations)</p>	<p>Maximum area of skylight not to exceed 1m²</p> <p>Located not less than 900mm from a property boundary and not less than 900mm from a wall separating attached dwellings.</p> <p>The building work must not reduce the <i>structural adequacy</i> of the building or involve structural alterations.</p> <p>Any opening created by the installation to be adequately weatherproofed.</p> <p>Installation to manufacturer's instructions.</p>	
<p>Solar water heaters</p>	<p>Installed to manufacturer's specifications and requirements.</p>	

refer to the general provisions at the start of this chapter as well as the general requirements for exempt development on pages 13 -15

Type of Activity	Exemption Circumstances/ Requirements	Advisory Note
	<p>Installed by a licensed person.</p> <p>The building work must not reduce the <i>structural adequacy</i> of the building or involve structural alterations.</p> <p>Any opening created by the installation to be adequately weatherproofed.</p>	
<p>Stockyards and stock shelters</p>	<p>In rural zones. Ancillary to existing agriculture.</p> <p>Maximum roof area 20 m²</p> <p>Minimum 100m to any waterway.</p> <p>Minimum 50m from any dwelling on adjoining land.</p>	<p>Not for feedlots or “<i>animal establishments</i>”</p> <p>Building “setbacks” do not apply.</p> <p>Approval under Section 68 of the Local Government Act is required for connection to reticulated (town) water.</p>
<p>Street signs Comprising name plates, directional signs and advance traffic warning signs</p>	<p>Constructed by or for Council or the Roads and Traffic Authority.</p> <p><i>Structurally adequate.</i></p> <p>Designed, fabricated and installed in accordance with relevant SAA standards.</p>	
<p>Subdivision</p>	<ul style="list-style-type: none"> • Strata subdivision of development located in: <ul style="list-style-type: none"> ➤ Zone No. 2(a) (Residential Zone) ➤ Zone No. 3(a) (Business Zone) ➤ Zone No. 4(a) (Industrial Zone) ➤ Zone No. 7(f2) (Urban Coastal Land Zone) <p>In the following circumstances:</p> <p>a) Evidence is provided that the development</p>	<p>Submit to Council seven (7) copies of a survey plan of subdivision.</p> <p>The location of all buildings and/or other permanent improvements including fences must be indicated on 1 of the copies.</p>

Type of Activity	Exemption Circumstances/ Requirements	Advisory Note
	<p>complies with all conditions of relevant development consent/s;</p> <p>b) Each proposed allotment is serviced by water, sewer, electricity, telecommunications.</p> <ul style="list-style-type: none"> • Rectifying an encroachment upon an allotment. • Excise an allotment land which is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other rescue service purposes or public conveniences. <p>Road realignment and/or widening for and on behalf of Council or the Roads and Traffic Authority.</p>	<p>Landowners should enquire with Council about the effect these types of subdivision may have on dwelling entitlements.</p>
<p>Temporary structures Builders sheds, portable toilets and the like.</p>	<p>Ancillary to an approved development.</p> <p>To be removed after construction and prior to occupation of the approved development.</p>	<p>Does not apply to habitable buildings.</p>
<p>Tree removal</p>	<p>Tree removal in accordance with Council's Tree Preservation Order is exempt development.</p>	
<p>Use of public road reserves</p>		

Type of Activity	Exemption Circumstances/ Requirements	Advisory Note
<p>1. Footpath dining (Adjacent to approved Restaurants Only)</p>	<p>Approval under Section 125 of the <i>Roads Act 1993</i> is required to be obtained from Byron Shire Council and all conditions of such approval are complied with prior to commencement.</p> <p>The footpath dining is to be limited to the area adjacent to an approved restaurant and in accordance with Council’s Policy No. 5.54 – “Footpath Dining”.</p>	<p>Any approval under Section 125 of the <i>Roads Act 1993</i> is to be for a maximum period of 7 years</p> <p>Any approval under Section 125 is subject to an advertising period for submissions 28 days.</p> <p>An approval under Section 68 of the Local Government Act 1993 is required where the activity is not exempt</p>
<p>2. Goods and chattels</p>	<p>Approval under the <i>Roads Act 1993</i> is required to be obtained from Byron Shire Council and all conditions of such approval are complied with prior to commencement.</p>	<p>An approval under Section 68 of the Local Government Act 1993 is required where the activity is not exempt</p>
<p>3. Street Stalls</p>	<p>Stalls are to be in accordance with Council’s Policy No. 5.36 – “Fund Raising – Community Organisation.”</p>	<p>An approval under Section 68 of the Local Government Act 1993 is required where the activity is not exempt.</p>
<p>4. Entertainment and Events on Public Roads</p>	<p>Approval is required under the <i>Roads Act 1993</i> from Byron Shire Council and all conditions of such approval are complied with prior to commencement.</p>	<p>Approval is required under the <i>Roads Act 1993</i> from Byron Shire Council</p> <p>An approval under Section 68 of the Local Government Act 1993 is required where the activity is not exempt</p>
<p>5. Busking</p>	<p>Busking is to be undertaken in accordance with Council’s Policy No. 5.57 – “Busking Policy”.</p>	<p>An approval under Section 68 of the Local Government Act 1993 is required where the activity is not exempt under a Local Approvals Policy.</p> <p>Maximum one year approval.</p>

Exempt Development

refer to the general provisions at the start of this chapter as well as the general requirements for exempt development on pages 13 -15

Type of Activity	Exemption Circumstances/ Requirements	Advisory Note
Water heaters (excluding solar systems)	Replacement or new installations. Work must not reduce the <i>structural adequacy</i> of the building or involve structural alterations. Installation to be carried out by a licensed person. Temperature control device/s to be fitted in accordance with AS3500 Part 4 Hot Water Systems 1994.	Approval may be required for water supply works – check with Council.

Chapter 16 - Exempt and Complying Development - INSERT

State Environmental Planning Policy No. 4 (Development without Consent and Miscellaneous Complying Development) ("SEPP 4") has been amended to provide for the installation of certain types of rainwater tanks to be exempt development. SEPP 4 applies to the whole state and overrules the provisions of Byron Shire DCP 2010 Chapter 16 (Exempt and Complying Development). The provisions of SEPP 4 regarding water tanks are:

16 When rainwater tanks are exempt development

- (1) For a rainwater tank to be exempt development, it must comply with the following requirements:
 - (a) the capacity of the tank, or the combined capacity of tanks, on a lot must not exceed 10,000 litres,
 - (b) the tank must be designed to capture and store roof water from gutters or downpipes on a building,
 - (c) the tank must not collect water from a source other than gutters or downpipes on a building or a water supply service pipe,
 - (d) the tank must be fitted with a first-flush device, being a device that causes the initial run-off of any rain to bypass the tank to reduce pollutants entering the tank,
 - (e) the tank must be structurally sound,
 - (f) the tank must be prefabricated, or be constructed from prefabricated elements that were designed and manufactured for the purpose of the construction of a rainwater tank,
 - (g) the tank must be assembled and installed in accordance with the instructions of the manufacturer or designer of the tank,
 - (h) the tank, and any stand for the tank, must be installed and maintained in accordance with any requirements of the public authority that has responsibility for the supply of water to the premises on which the tank is installed,
 - (i) the installation of the tank must not involve the excavation of more than 1 metre from the existing ground level, or the filling of more than 1 metre above the existing ground level,
 - (j) the tank must not be installed over or immediately adjacent to a water main or a sewer main, unless it is installed in accordance with any requirements of the public authority that has responsibility for the main,
 - (k) the tank must not be installed over any structure or fittings used by a public authority to maintain a water or sewer main,
 - (l) no part of the tank or any stand for the tank may rest on a footing of any building or other structure, including a retaining wall,
 - (m) the tank must be located behind the front alignment to the street of the building to which the tank is connected (or, in the case of a

building on a corner block, the tank must be located behind both the street front and street side alignments of the building),

- (n) the tank must not exceed 2.4 metres in height above ground level, including any stand for the tank,
- (o) the tank must be located at least 450 millimetres from any property boundary,
- (p) a sign must be affixed to the tank clearly stating that the water in the tank is rainwater,

Note. If water in rainwater tanks is intended for human consumption, the tank should be maintained to ensure that the water is fit for human consumption—see the *Rainwater Tanks* brochure produced by NSW Health and the publication titled *Guidance on the use of rainwater tanks*, Water Series No 3, 1998, published by the National Environmental Health Forum.

- (q) any overflow from the tank must be directed into an existing stormwater system,
 - (r) the tank must be enclosed, and any inlet to the tank must be screened or filtered, to prevent the entry of foreign matter or creatures,
 - (s) the tank must be maintained at all times so as not to cause a nuisance with respect to mosquito breeding or overland flow of water,
 - (t) any plumbing work undertaken on or for the tank that affects a water supply service pipe or a water main must be undertaken:
 - (i) with the consent of the public authority that has responsibility for the water supply service pipe or water main, and
 - (ii) in accordance with any requirements by the public authority for the plumbing work, and
 - (iii) by a licensed plumber in accordance with the *New South Wales Code of Practice—Plumbing and Drainage* produced by the Committee on Uniformity of Plumbing and Drainage Regulations in New South Wales,
 - (u) any motorised or electric pump used to draw water from the tank or to transfer water between tanks:
 - (i) must not create an offensive noise, and
 - (ii) in the case of a permanent electric pump, must be installed by a licensed electrician.
- (2) Despite subclause (1) (a), a rainwater tank with a capacity exceeding 10,000 litres may be exempt development if another environmental planning instrument applying to the land concerned provides for such a rainwater tank to be exempt development.

refer to the general provisions at the start of this chapter as well as the general requirements for exempt development on pages 13 -15

- (3) This clause does not apply to land that is a lot within the meaning of the [Strata Schemes \(Freehold Development\) Act 1973](#) or the [Strata Schemes \(Leasehold Development\) Act 1986](#).

The above text is an extract from SEPP 4 and was correct at the time of printing (March 2003). Persons seeking accuracy for legal or any other reasons should refer to the gazetted SEPP.

<p>Water tanks at or above ground level</p>	<p>Ancillary to an existing approved building.</p> <p>Tank not to exceed 3m diameter or 3m in height.</p> <p>Located behind the building setback.</p> <p>Supported in accordance with manufacturer’s recommendations and/or with <i>structurally adequate</i> support.</p>	<p>This exemption does not apply to below ground tanks or on land that requires excavation.</p>
<p>Windmills Rural zones only</p>	<p>Maximum height 10m.</p> <p>Providing water for agricultural or domestic purposes.</p>	
<p>Windows, glazed areas and external doors (excluding windows in heritage buildings as defined in s142 of the Local Government Act 1993).</p>	<p>Replacement in residential premises with materials that comply with:</p> <p>a) AS1288 Glass in Buildings Selection and installation;</p> <p>b) AS2208 Safety Glazing Materials for Use in Buildings (Human Impact Considerations). No reduction in the area provided for light and ventilation is permitted and structural support members in the wall concerned cannot be removed.</p>	<p>Consult a structural engineer, architect or building surveyor to ensure alterations will comply with the BCA and structural support will not be affected. In particular consult one of those professionals or a recognised glazier to ensure the appropriate quality of glazing is selected for the window or doorway concerned, especially as to whether safety glass is required and installed.</p> <p>Any works involving asbestos cement must comply with the WorkCover Authority’s “Guidelines for Practices Involving Asbestos in Buildings.”</p> <p>Any work involving lead paint removal must not cause lead contamination of air or ground.</p>

refer to the general provisions at the start of this chapter as well as the general requirements for exempt development on pages 13 -15

<p>Waste storage container in a public place</p>	<p>Maximum container length 3m.</p> <p>Single container only.</p> <p>Waste containers to be located and designed strictly in accordance with the requirements and guidelines of the Roads and Traffic Authority.</p> <p>Maximum duration of the activity being a total of fourteen days from the date of the placement of the container in the public place to removal date.</p> <p>The supplier of the waste container must ensure that there is a minimum of \$10 million public liability/ risk insurance cover for the placement of the waste container in a public place.</p> <p>The container being of a light colour with the name and address of the owner/proprietor clearly displayed.</p> <p>The waste container is used in association with works approved by Council.</p>	<p>Subject to compliance with the provisions of any state acts or regulations.</p> <p>The Council may order the removal of the container if there is a failure to comply with the terms and conditions of the exemption or if the placement of the container results in a nuisance or danger to the public.</p> <p>Transporting of waste over or under a public place requires an approval under S68 of the Local Government Act 1993.</p> <p>Council approval is required for the placement of containers for a period greater than that shown in column 2.</p>
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refer to the general provisions at the start of this chapter as well as the general requirements for complying development on pages 47 to 50.

PART B – COMPLYING DEVELOPMENT

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** these types of development may also subject to exemption provisions. Refer to Exempt Development part of this DCP for details.*

refer to the general provisions at the start of this chapter as well as the general requirements for complying development on pages 47 to 50.

Objectives

The objectives of this part are:

- a) to provide criteria for Complying Development;
- b) to prescribe general conditions to be attached to all Complying Development Certificates, and
- c) to prescribe conditions for each type of Complying Development.

Note: if the specifications listed under the general specifications or under each type of development are not met, the development is not complying development. In such circumstances, development consent may be sought by submission of a Development Application to Council.

Advertising and Notification

There shall be no requirement of either Council, the landowner or the proponent to advertise or notify any person of the lodgement of an application for a Complying Development Certificate.

Approved Complying Development Certificates must be advertised within 14 days of being issued. The details to be included in advertising shall be:

- a) Complying Development Certificate number (if issued by Council).
- b) Legal land description (Lot and Deposited Plan number) and location (street address or rural address including rural road numbering).
- c) Type of complying development, as described in this chapter.
- d) Certifier's name and telephone number.
- e) Landowner's name.
- f) A statement that the determination of the application for a Complying Development Certificate is available for public inspection, free of charge, during ordinary office hours at Council's offices.

Advertisements shall be headed in bold, "Complying Development Certificate/s issued". Any number of Complying Development Certificates may be advertised in any one advertisement.

Complying Development Certificates issued by accredited certifiers shall be advertised in the Public Notices section of a newspaper circulating at least weekly in Byron Shire. Alternatively, accredited certifiers may, for a fee set by Council, have their Complying Development Certificates included in Council's advertising.

General Exclusions

Unless otherwise provided in this Development Control Plan, complying development must not be carried out on land or buildings under the following circumstances:

- a) on *items of the environmental heritage*;
- b) on *flood liable land*;
- c) within the following zones:
 - Zone No. 5(a) (Special Uses Zone)
 - Zone No. 5(b) (High Hazard Flood Liable Zone)
 - Zone No. 6(a) (Open Space Zone)
 - Zone No. 7(a) (Wetlands Zone)
 - Zone No. 7(b) (Coastal Habitat Zone)
 - Zone No. 7(c) (Water Catchment Zone)
 - Zone No. 7(d) (Scenic/Escarpment Zone)
 - Zone No. 7(f1) (Coastal Land Zone)
 - Zone No. 7(f2) (Urban Coastal Land Zone)
 - Zone No. 7(j) (Environmental Protection Scientific Zone)
 - Zone No. 7(k) (Habitat Zone)
 - Zone No. 8(a) (National Parks and Nature Reserve Zone)
 - Zone No. 9(a) (Proposed Road Zone)
- d) on land to which the following clauses of the Byron Local Environmental Plan 1988 apply:
 - 27 Building lines along arterial roads;
 - 38A Development within Zone 1(a) shown hatched on the map;
 - 38B Development of land at North Ocean Shores within Zone Nos. 1(b1) and 7(k);
 - 42 Minor variation of zoning boundaries;
 - 47A Development of certain land at Ocean Shores;
- e) where development is permissible only under the existing use rights provisions of the Environmental Planning and Assessment Act and Regulation;
- f) on land that is an Aboriginal Place under the National Parks and Wildlife Act 1974;
- g) on land that is reserved or dedicated under the Crown Lands Act 1989 for the preservation of flora, fauna or geological formations or for other environmental protection purposes;
- h) on land to which State Environmental Planning Policy No 14 - Coastal Wetlands applies;
- i) on land to which State Environmental Planning Policy No 26 - Littoral Rainforest applies;
- j) on land that is an aquatic reserve declared under the Fisheries Management Act 1994;
- k) over any easement;

refer to the general provisions at the start of this chapter as well as the general requirements for complying development on pages 47 to 50.

- l) if located over, or within 1.5m of, a Council pipeline, unless documentary evidence is provided that Council's Water and Sewerage Department approve of the proposed structure;
- m) if, in the case of development requiring earthworks, any excavation (other than for a swimming pool) or filling exceeds 1m in depth or height;
- n) if within 0.9m of any property boundary, apart from fences, signs, and works within the outer enclosing walls of an existing building;
- o) if any tree must be removed, apart from trees exempt under Council's Tree Preservation Order.
- p) on land that has previously been used:
 - as a service station
 - as a cattle dip
 - for intensive agriculture
 - for mining or an extractive industry
 - for waste storage or waste treatment
 - for the manufacture of chemicals, asbestos or asbestos products

and a notice of remediation work for the proposed use has not been given to Council in accordance with State Environmental Planning Policy No. 55 - Remediation of Land.

- q) if it is on land identified in Council records as being potential acid sulfate soils of a class listed in column 1 of following table and it involves works described in column 2 of the table:

Class 1	Any works
Class 2	Works below natural ground surface Works by which the watertable is likely to be lowered.
Class 3	Works beyond 1 metre below natural ground surface Works by which the
Class 4	Works beyond 2 metres below natural ground surface. Works by which the watertable is likely to be lowered beyond 2 metres below the natural ground surface
Class 5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land below 5 metres AHD likely to lower the watertable below 1 metre AHD on the adjacent Class 1, 2, 3 or 4 land

unless an assessment of the proposed works has been done in accordance with the "Acid Sulfate Soils Assessment Guidelines" and Council has written to the proponent advising a management plan is not required.

refer to the general provisions at the start of this chapter as well as the general requirements for complying development on pages 47 to 50.

“works” means any landform alteration that may result in the disturbance of more than one (1) tonne of soil including the carrying out of agriculture, land levelling, construction of drains (and the maintenance, widening, deepening or extension of existing drains), extractive industries, dredging, or artificial waterbodies (including canals, dams or detention basins), foundations, flood mitigation works, and any other works that may lower ground water levels where, in the case of alterations and additions, sheds or swimming pools on properties where sewage is required to be managed on-site:

- the development is on that portion of the land that is used for on-site sewage management; or
- there are visible signs of surface surcharging of effluent from the existing on-site management system; or
- there is less than 1,500 m² of unconstrained land remaining on the land parcel. In this sub-clause unconstrained land is land which satisfies the following requirements:
 - slope: less than 15 percent;
 - exposure: high exposure to sun and wind;
 - erosion potential: no signs of erosion potential present;
 - subsoil drainage: no visible signs of surface dampness;
 - surface drainage: site stormwater can be diverted;
 - land filling: no fill;
 - buffers: not within 3m of property boundaries.

General Specifications

Development must comply with the following specifications to be complying development:

- a) It complies with the provisions of Byron LEP 1988 and Byron Shire DCP 2010;
- b) It will not prevent or restrict the use of land which is used for:
 - (i) entering or existing from the land, or
 - (ii) loading, unloading, manoeuvring or parking vehicles, or
 - (iii) landscaping required to be carried out or maintained by any development consent condition
- c) May only be carried out on existing allotments of land. Development on land not yet created by registration of a Deposited Plan of Subdivision is not complying development.
- d) Buildings in Zone No. 2(a) (Residential Zone) and Zone No. 7(f2) (Urban Coastal Land Zone) must comply with the *building height plane* on all boundaries of the property without any encroachment whatsoever.
- e) Applications for a Complying Development Certificate must demonstrate compliance with the deemed-to-satisfy provisions of the Building Code of Australia.
- f) Residential development must comply with setbacks as follows:

from the street:

 - i) along classified or arterial roads in Zone No. 2(a) (Residential Zone) 10m
 - ii) elsewhere in Zone No. 2(a) (Residential Zone) except Ocean Shores 6.5m

refer to the general provisions at the start of this chapter as well as the general requirements for complying development on pages 47 to 50.

- | | | |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| | dwelling-houses with a height of less than 3.6m except Ocean Shores | 4.5m |
| iii) | Ocean Shores Zone No. 2(a) (Residential Zone) | 7.6m |
| iv) | from the boundary of an arterial road (as defined on Byron LEP 1988 maps) in rural zones | 55m |
| | elsewhere in rural zones | 15m |
| v) | corner lots - on local or secondary roads in urban areas, setbacks of up to 50% less than the required setback will be permitted on one road frontage. | |

side and rear setback:

- | | | |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| | residential areas except Ocean Shores | 0.9m |
| | Ocean Shores | 3.0m |
| | rural areas | 15m |
| | side and rear setback from rural property boundaries on land identified by Council as being subject to high or medium fire danger | 20m |
| g) | Alterations and additions, sheds, swimming pools and water tanks must comply with the setbacks described in sub-clause g) above except rural and rural residential zones a minimum side and rear setback of 5 metres may be applied. | |

Prior to issue of a Complying Development Certificate

A complying development certificate must not be issued until the following matters have been addressed to the satisfaction of the issuing authority:

- a) payment of long service levy as required by the Home Building Act;
- b) plans are to be provided to the same specification required under the Environmental Planning and Assessment Regulation for a development application. Additionally, plans are to include:
 - a locality plan illustrating the Lot number and Deposited Plan number, north point, and names of adjoining roads or streets;
 - site plan illustrating boundary dimensions, setbacks to all boundaries, names of adjoining roads or streets;
 - floor plans, elevations and cross sections.
- c) For all residential building work:
 - A A Complying Development Certificate for building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be approved unless the principal certifying authority for the development to which the work relates:
 - i in the case of work to be done by a licensee under that Act:
 - ii has been informed in writing of the licensee's name and contractor licence number, and

refer to the general provisions at the start of this chapter as well as the general requirements for complying development on pages 47 to 50.

- iii is satisfied that the licensee has complied with the requirements of Part 6 of that Act, or
- b in the case of work to be done by any other person:
 - i has been informed in writing of the person's name and owner-builder permit number, or
 - ii has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in section 29 of that Act, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs. Note: The amount referred to in paragraph (b) (ii) is prescribed by regulations under the Home Building Act 1989.

Has a certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

Conditions

Complying Development Certificates must:

- impose all of the conditions and notes listed below under "General Conditions."
- impose all of the conditions and notes appearing after each type of complying development in this Plan as in force when the certificate is issued.
- for buildings, state the classification/s of the building/s under the Building Code of Australia.

General Conditions

Hours of work

Any building work must be carried out between 7.00am and 6.00pm, Monday to Friday and 8.00am to 5.00pm Saturdays, excluding public holidays.

Building near pipes

Where development is within the zone of influence of a sewer or water pipe, the location of which is to be defined by a suitably qualified surveyor or engineer, the development must be constructed in accordance with Byron Council policy 4.20 (Building over Pipelines and Other Underground Structures) (refer to diagram on following pages).

Excavations and backfilling

- a All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

refer to the general provisions at the start of this chapter as well as the general requirements for complying development on pages 47 to 50.

- b All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

Retaining walls and drainage

If the soil conditions require it:

- a retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
- b adequate provision must be made for drainage.

Protection of public places

- a If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the enclosure of a public place a hoarding or fence must be erected between the work site and the public place.
- b If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- c The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- d Any such hoarding, fence or awning is to be removed when the work has been completed.

Note: Should it be desired to erect any hoarding or fence on Council footpaths or road reserves, a specific application is to be made to Council and the appropriate fees paid.

Notes

The development is to be conducted in accordance with the provisions of the Environmental Planning and Assessment Act, 1979 and Environmental Planning and Assessment Regulation 2000.

If the Environmental Planning and Assessment Act stipulates that an Occupation Certificate is required, the building shall not be occupied or used until an Occupation Certificate is issued either by Council or an accredited certifier.

The Complying Development Certificate shall be issued in the name of the Council or the accredited certifier with an accreditation number.

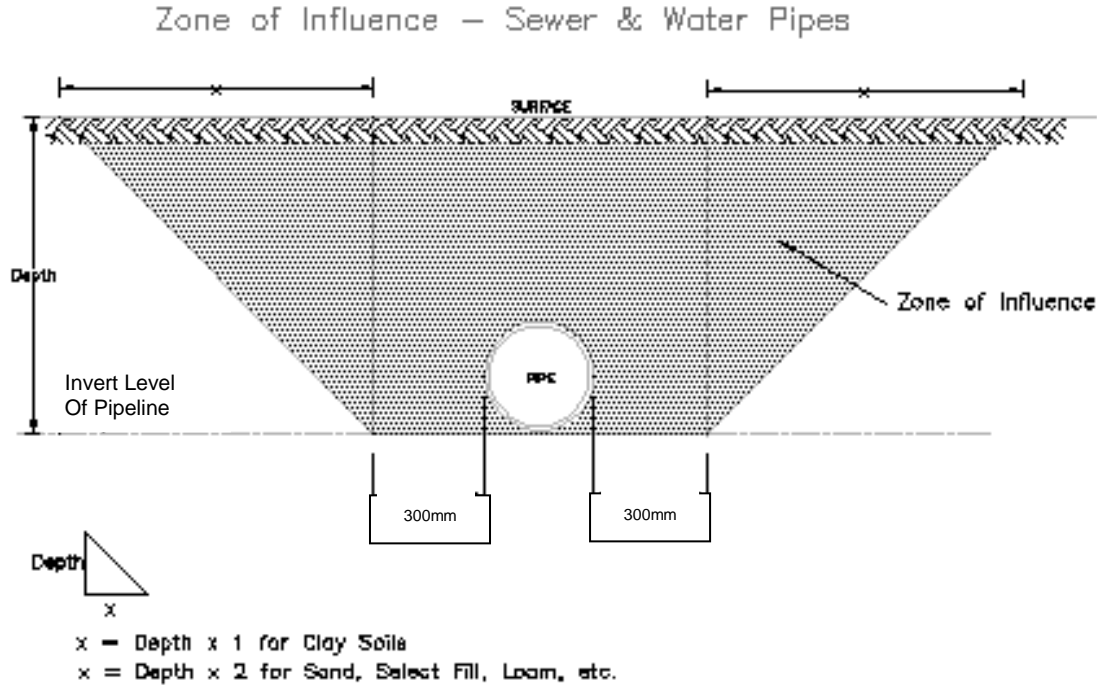
Types of Complying Development and conditions applying to each type

Reference to complying development includes reference to extensions, modifications or alterations to complying development where such extensions, modifications or alterations do not alter the definition of the development under this Plan, and the development so extended, modified or altered complies with the provisions of this Development Control Plan.

Several types of development (marked * in the Contents of this Part and in the following sections) are also subject to exemption provisions. Refer to the Exempt Development part of this chapter for details.

refer to the general provisions at the start of this chapter as well as the general requirements for complying development on pages 47 to 50.

Zone of Influence as referred to under General Condition for “Building near pipes”



Alterations and additions to buildings or works (structural or load bearing) *

Note: Notwithstanding the General Exclusions, this form of complying development may be undertaken on existing development in the following zones:

- Zone No. 7(c) (Water Catchment Zone)
- Zone No. 7(d) (Scenic/Escarpment Zone), except 2 storey development

Structural alterations and additions involving load bearing components of buildings must comply with the following criteria to be considered as complying development:

- a) where the existing building has development consent or was approved by a Complying Development Certificate;
- b) where, apart from dwelling-houses, the work will not increase the *gross floor area* or the height of the development;
- c) in rural and rural residential areas, additions and alterations do not increase the *height* of the building;
- d) Not requiring excavation or filling in excess of 1 metre in depth.
- e) in the case of dwelling-houses on unsewered land, approval is to be obtained under section 68 of the Local Government Act for the sewage management requirements of the alterations, OR written advice is to be obtained from Council that section 68 approval is not required.

refer to the general provisions at the start of this chapter as well as the general requirements for complying development on pages 47 to 50.

- f) In the case of restumping of an existing dwelling-houses having a pier sub-floor, there is no change to the location or orientation of the dwelling on the land.

Alterations to building or works (load bearing) - prescribed conditions

General:

1. The land surrounding any structure must be graded to divert surface water to the street, and clear of existing and proposed structures and adjoining premises.
2. Where the water falls to the rear of the property, it must be collected and drained via a gravity system to a Council stormwater line or disposed of in a manner which does not cause erosion, siltation and surface flooding to adjoining neighbours.
3. Removal or disturbance of vegetation and top soil, other than preparation for landscaping or turfing, must be confined to within 3 metres of the approved building area.
4. Support for neighbouring buildings
 - a If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - i must preserve and protect the building from damage, and
 - ii if necessary, must underpin and support the building in an approved manner, and
 - iii must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - b The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
 - c In this clause, allotment of land includes a public road and any other public place.
5. Signs to be erected on building and demolition sites
 - a A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - i stating that unauthorised entry to the work site is prohibited, and
 - ii showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
 - b Any such sign is to be removed when the work has been completed.
 - c This clause does not apply to:
 - i building work carried out inside an existing building, or
 - ii building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

Before work commences:

1. Bonds shall be paid to Byron Shire Council for damage to footpaths and driveway crossovers in accordance with adopted fees and charges.
Advisory Note: Council's 2000/2001 Management Plan sets the bond for damage to footpaths and driveway crossovers at \$150. This information is provided as an indication of costs; it is the responsibility of the proponent to ascertain current fees and charges. Eligibility for refund of the bond will be assessed upon issue of a Compliance Certificate for completion of the development.
2. Before any site works, building or demolition is started, the applicant or builder must:
 - a) Erect a sign at the front of the property with the builder's name, licence number, site address and consent number.
 - b) Provide temporary toilet facilities for workers unless existing facilities are available for use on the site.
 - c) Protect and support any neighbouring buildings.
3. Approval is required under Section 138 of the Roads Act for works and structures in road reserves (driveways, stormwater outlets etc.). Application for approval may be made to Byron Shire Council by submission of an engineering plan at scale 1:50 showing works within the road reserve, and payment of application and inspection fees.
4. Install run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows:
 - a) Divert uncontaminated run-off around cleared or disturbed areas;
 - b) Erect a silt fence to prevent debris escaping into drainage systems or waterways;
 - c) Prevent tracking of sediment by vehicles onto roads;
 - d) Stockpile topsoil, excavated material, construction and landscaping supplies and debris within the site.

During construction:

1. Driveways and access are to be constructed in accordance with Council's design policy. New driveway crossovers to be constructed in accordance with Byron Council standard drawings 749 (urban) or 909 (rural) and Australian Standard 2890, with transition zones in accordance with guidelines adopted by Council.
2. Where kerb and gutter is provided, driveways are to be a minimum of 500 mm clear of all drainage structures on the kerb and gutter and are not to interfere with the existing public utility infrastructure, including Council drainage structures, unless prior approval is obtained from the relevant authority.
3. Driveways are to be a minimum of 6 metres from the boundary line of a road intersection.
4. Compliance Certificates are required for the following:
 - a) **Site Control / Floor Level:** Upon completion of the following works, and prior to commencement of the subsequent stages, a Compliance Certificate is to be submitted indicating:
 - i) All site management measures are in place;
 - ii) Footings have been constructed in accordance with the approved plans and relevant Australian Standards.

refer to the general provisions at the start of this chapter as well as the general requirements for complying development on pages 47 to 50.

- b) Concrete slabs have been constructed in accordance with the approved plans and relevant Australian Standards. The Certificate is to state that the building is correctly sited on the site.
- c) Structural Framing: including wet area sealing, wind bracing, and tie downs prior to covering.
- d) Completion: Upon completion of the remaining relevant key inspections and prior to occupation, a Compliance Certificate is to be issued indicating the buildings compliance with the relevant terms of the Approval and/or Standards of Construction detailed in the Building Code of Australia.

For all alterations except to Class 1 and Class 10 buildings:

1. Fire Safety Certificates to be issued in accordance with the requirements of the Environmental Planning and Assessment Act, 1979 and Environmental Planning and Assessment Regulation.
2. Access to be provided in accordance with BCA requirements for people with access disabilities.

RESTUMPING: The following conditions apply to Complying Development Certificates for the restumping of existing dwelling-houses:

Prior to works commencing:

1. Before any site works, building or demolition is started, the applicant or builder must:
 - a) Erect a sign at the front of the property with the builder's name, licence number, site address and consent number;
 - b) Provide temporary toilet facilities for workers unless existing facilities are available for use on the site;
 - c) Protect and support any neighbouring buildings.

During construction:

1. Any plumbing and drainage work is to be installed by a suitably licensed person. The requirements of the NSW Code of Practice and AS/NZS 3500 must be adhered to. Plumbing and drainage inspections can ONLY BE UNDERTAKEN by Council.
2. Install run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows:
 - a) divert uncontaminated run-off around cleared or disturbed areas;
 - b) erect a silt fence to prevent debris escaping into drainage systems or waterways;
 - c) prevent tracking of sediment by vehicles onto roads;
 - d) stockpile topsoil, excavated material, construction and landscaping supplies and debris within the site.
3. Removal or disturbance of vegetation and top soil, other than preparation for landscaping or turfing, must be confined to within 3 metres of the approved building area.

4. The land surrounding any structure must be graded to divert surface water to the street, and clear of existing and proposed structures and adjoining premises.
5. Where surface water cannot be disposed of to the street drainage system, it must be collected and drained via a gravity system to a Council stormwater line or disposed of in a manner which does not cause erosion, siltation and surface flooding to adjoining neighbours.
6. Compliance Certificates are required for :
 - a) Completion: Upon completion of the remaining relevant key inspections and prior to occupation, a Compliance Certificate is to be issued indicating the buildings compliance with the relevant terms of the Approval and/or Standards of Construction detailed in the Building Code of Australia.
7. Driveways and access are to be constructed in accordance with Council's design policy. New driveway crossovers to be constructed in accordance with Byron Council standard drawings 749 (urban) or 909 (rural) and Australian Standard 2890, with transition zones in accordance with guidelines adopted by Council.
8. Where kerb and gutter is provided, driveways are to be a minimum of 500 mm clear of all drainage structures on the kerb and gutter and are not to interfere with the existing public utility infrastructure, including Council drainage structures, unless prior approval is obtained from the relevant authority.
9. Driveways are to be a minimum of 6 metres from the boundary line of a road intersection.
- 10.

Bed and breakfast establishment

A floor plan of the dwelling-house must be provided. The plan shall illustrate which rooms are to be provided for bed and breakfast accommodation. A copy of the plan shall be attached to, and form a condition of, the Complying Development Certificate.

A site plan must be provided. The plan shall illustrate the provision of car parking for the development in accordance with the requirements of this chapter and shall form a condition of the Complying Development Certificate.

Bed and breakfast establishments must comply with the definition of "bed and breakfast establishment" under Byron Local Environmental Plan 1988 and must comply with the following criteria in order to be considered as complying development:

- a) Notwithstanding the general provisions of this DCP chapter, bed and breakfast establishments may be conducted in any zone other than Zone No. 2(a)(Residential Zone) and Zone No. 7(f2)(Urban Coastal Lands Zone); and
- b) in an existing approved dwelling-house classified as a Class 1a building under the Building Code of Australia; and
- c) provide a maximum of two (2) guest bedrooms for bed and breakfast accommodation; and
- d) the owner and/or operator is a permanent resident; and
- e) not used in whole or part for the permanent or long-term accommodation of any person other than the person or persons who operate and manage the establishment and who normally reside in the dwelling; and

refer to the general provisions at the start of this chapter as well as the general requirements for complying development on pages 47 to 50.

- f) offer at least breakfast for guests; and
- g) contain no facilities (eg. kitchen, sink and the like) in the guest room for the preparation of food and beverages by guests; and
- h) be consistent with Council's requirements in relation to kitchen facilities, fire protection, acoustic control, etc; and
- i) be capable of providing on-site car parking in accordance with the specifications in Byron Shire DCP 2010 Chapter 1, at the rate of 2 car spaces (one of which should be covered) for the dwelling-house, and 1 space for each guest room. 'Stacked' car parking spaces are not acceptable.
- j) be capable of providing car parking, access and sanitary facilities for people with disabilities in accordance with the relevant edition of AS1428 (Design for Access and Mobility). Access is to be provided from the carpark to, and throughout, all common areas. Access and sanitary facilities are to be provided to at least one guest room.

Bed and breakfast establishment - prescribed conditions:

Prior To Commencement:

1. Kitchen is to be fitted out in accordance with the Food Act 1989 and Council's food code.
2. Smoke alarms to comply with Part 3.7.2.4 of the Building Code of Australia.
3. A system of lighting must be installed in accordance with Part 3.7.2.5 of the Building Code of Australia to assist evacuation of occupants in the event of a fire.
4. Car parking (including a parking space for people with access disabilities) to be constructed providing 3 spaces with an all weather surface, one of which is to be covered.
5. Access is to be provided for people with disabilities from the carpark to, and throughout, all common areas. Access and sanitary facilities are to be provided to at least one guest room in accordance with AS1428 (Design for Access and Mobility).

At All Times:

1. The owner and/or operator are to be permanent residents of the dwelling-house.
2. The establishment is not be used in whole or part for the permanent or long-term accommodation of any person other than the person or persons who operate and manage the establishment and who normally reside in the dwelling.
3. The establishment must offer at least breakfast for guests.
4. No facilities (eg. kitchen, sink and the like) are to be provided in rooms for the preparation of food and beverages by guests.
5. A minimum of three (3) on-site car spaces are to be maintained, one of which is to be covered.

Dwelling-house

Construction of new dwelling-houses must comply with the following criteria to be considered as complying development:

refer to the general provisions at the start of this chapter as well as the general requirements for complying development on pages 47 to 50.

- a) Satisfying the objectives, guidelines, requirements and provisions of any area-specific chapter of Byron Shire DCP 2010, including:
 - Chapter 11 (Mullumbimby);
 - Chapter 12 (Bangalow);
 - Chapter 14 (South Ocean Shores);
- b) Single storey with floor levels no greater than 1.5m above natural ground level at any point.
- c) The land on which the development is to be erected is connected to reticulated sewer.
- d) Not requiring excavation or filling in excess of 1 metre in depth.
- e) Having a *floor space ratio* no greater than 0.5:1.
- f) Approval for a connection to Council’s reticulated water supply system, including the supply of water meters and the installation of a property service. Approval must be obtained through an application to Council or Rous County Council (as appropriate) under Section 68 of the Local Government Act.
- g) Documentary evidence is provided of an approval for a connection to Council’s reticulated sewerage system. Approval must be obtained through an application to Council under Section 68 of the Local Government Act.
- h) Slope of natural ground level within the dwelling envelope not exceeding 20%.
- i) The dwelling-house must not have two rooms which are capable of being used as kitchens.
- j) All habitable floor levels must be connected by an internal staircase.
 - Stairwells shall be constructed in a manner that will prevent the sealing off of the staircase at a future time.
- k) Providing car parking at the rate of:
 - apart from expanded dwellings - one space capable of being covered for up to four bedrooms, plus one space for each additional two bedrooms or part thereof:

total bedrooms	coverable spaces	total spaces
1 - 4	1	1
5 - 6	1	2

 - for each expanded dwelling-house: one space, capable of being covered, for up to four bedrooms, plus one space for each additional bedroom.
- l) A certificate by a professional Geotechnical Engineer is to be provided certifying that the site is stable and will not be affected by landslide or subsidence at, above or below the site when the building is erected. The certificate shall be prepared in accordance with AS 1726 and Council Policy No. 5.18 (Geotechnical Reports).
- m) Approval has been obtained under Section 138 of the Roads Act for works or structures in the road reserve. Application for approval may be made to Byron Shire Council by submission of an engineering plan showing works within the road reserve, and payment of application and inspection fees. Note: Council’s standard requirement is for provision of a dished kerb crossing and full width driveway crossing over the footpath in accordance with Council Standard Drawing 749/1-3.

n)

Dwelling-house - prescribed conditions:

The following conditions shall apply to Complying Development Certificates for new dwelling-houses and to relocated dwelling-houses:

Prior to Works Commencing:

1. Before any site works, building or demolition is started, the applicant or builder must:
 - a) erect a sign at the front of the property with the builder's name, licence number, site address and consent number
 - b) temporary toilet facilities are to be provided for workers unless existing facilities are available for use on the site;
 - c) protect and support any neighbouring buildings.
2. Install run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows:
 - a) divert uncontaminated run-off around cleared or disturbed areas;
 - b) erect a silt fence to prevent debris escaping into drainage systems or waterways;
 - c) prevent tracking of sediment by vehicles onto roads;
 - d) stockpile topsoil, excavated material, construction and landscaping supplies and debris within the site.

Note: It is an offence under the provisions of the Protection of the Environment Operations Act to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice ("on-the-spot fine") or prosecution.

3. Removal or disturbance of vegetation and top soil, other than preparation for landscaping or turfing, must be confined to within 3 metres of the approved building area.
4. The land surrounding any structure must be graded to divert surface water to the street, and clear of existing and proposed structures and adjoining premises. Where the water falls to the rear of the property, it must be collected and drained via a gravity system to a Council stormwater line or disposed of in a manner which does not cause erosion, siltation and surface flooding to adjoining neighbours.
5. Approval is required under Section 138 of the Roads Act for works and structures in road reserves (driveways, stormwater outlets etc.). Application for approval may be made to Byron Shire Council by submission of an engineering plan at scale 1:50 showing works within the road reserve, and payment of application and inspection fees.
6. Driveways and access are to be constructed in accordance with Council's design policy. New driveway crossovers to be constructed in accordance with Byron Council standard drawings 749 (urban) or 909 (rural) and Australian Standard 2890, with transition zones in accordance with guidelines adopted by Council.
7. Where kerb and gutter is provided, driveways are to be a minimum of 500 mm clear of all drainage structures on the kerb and gutter and are not to interfere with the existing public utility infrastructure, including Council drainage structures, unless prior approval is obtained from the relevant authority.

refer to the general provisions at the start of this chapter as well as the general requirements for complying development on pages 47 to 50.

8. Driveways are to be a minimum of 6 metres from the boundary line of a road intersection.
9. Bonds shall be paid to Byron Shire Council for damage to footpaths and driveway crossovers in accordance with adopted fees and charges.

Advisory Note: Council's 2000/2001 Management Plan sets the bond for damage to footpaths and driveway crossovers at \$600 for a new dwelling-house and \$2000 for a relocated dwelling. This information is provided as an indication of costs; it is the responsibility of the proponent to ascertain current fees and charges. Eligibility for refund of the bond will be assessed upon issue of a Compliance Certificate for completion of the development:

10. Signs to be erected on building and demolition sites
 - a A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - i stating that unauthorised entry to the work site is prohibited, and
 - ii showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
 - b Any such sign is to be removed when the work has been completed.
 - c This clause does not apply to:
 - i building work carried out inside an existing building, or
 - ii building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

During Construction:

1. Support for neighbouring buildings
 - a If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - i must preserve and protect the building from damage, and
 - ii if necessary, must underpin and support the building in an approved manner, and
 - iii must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - b The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
 - c In this clause, allotment of land includes a public road and any other public place.
2. The following inspections can ONLY BE UNDERTAKEN by Council:

refer to the general provisions at the start of this chapter as well as the general requirements for complying development on pages 47 to 50.

- a) plumbing & drainage:
 - i) internal drainage
 - ii) external drainage
 - iii) stack
 - iv) water
 - v) final
- b) work in road reserves

Council must be contacted 48 hours prior to any inspection.

3. All plumbing and drainage work is to be installed by a suitably licensed person. The requirements of the NSW Code of Practice and AS/NZS 3500 must be adhered to.
4. Overflow Relief Gullies shall be positioned as far upstream as possible, at a minimum of 75mm above the surrounding ground level and a minimum of 150mm below the lowest fixture connected to the drain.
5. Trapped floor wastes are to be fitted.
6. The building is to be designed and constructed such that all floor levels have sufficient height to enable the house drainage lines to fall at a permissible grade to the point of connection to the sewer main.
7. The top of the floor surface is to be a minimum of 300mm above finished ground level (including all floor wastes).
8. Prior to any water being drawn from the site a water meter and backflow prevention device must be fixed in position. Where a testable backflow prevention device is fitted, a test report shall be submitted within five (5) working days of installation.
9. All surplus water shall be conveyed to the street drains or approved interallotment drainage where applicable by means of approved piping. Where adverse fall does not permit, disposal is to comply with the specific requirements of the geotechnical assessment of the allotment. Disposal should be directed to avoid adjoining properties and effluent disposal areas. Disposal to water tanks should include a first flush system.
10. Sealed driveway and access to be constructed from the edge of the road formation to the property boundary in accordance with the Roads Act approval.
11. Compliance Certificates are required for the following:
 - a) Site Control / Floor Level: Upon completion of the following works, and prior to commencement of the subsequent stages, a compliance certificate is to be submitted indicating:
 - i) All site management measures are in place;
 - ii) Footings have been constructed in accordance with the approved plans and relevant Australian Standards.
 - iii) Concrete slabs have been constructed in accordance with the approved plans and relevant Australian Standards. The certificate is to state that the building is sited in accordance with the approved plan .
 - b) Structural Framing: including wet area sealing, wind bracing, and tie downs prior to covering.
 - c) Storm water infiltration pit (if installed): constructed in accordance with plan/s approved by Council.
 - d) Completion: Upon completion of the remaining relevant key inspections and prior to occupation, a Compliance Certificate is to be issued indicating the buildings

refer to the general provisions at the start of this chapter as well as the general requirements for complying development on pages 47 to 50.

compliance with the relevant terms of the Approval and/or Standards of Construction detailed in the Building Code of Australia.

Additional condition for Ocean Shores:

In the Ocean Shores urban area, elevated buildings shall be provided with either dwarf walls or sufficient infill panels to effectively screen the understorey from view.

Additional conditions for relocated dwellings:

1. Prior to the building being relocated a report is to be submitted to the PCA from a Practising Building Surveyor identifying capability of compliance with the Building Code of Australia.
2. External finishes (such as painting of cladding) must be completed within 6 months of relocation.

Note: The applicant is advised to contact Rous County Council to determine that all proposed structures are sited clear of any easements or water mains or proposed water mains.

Fence (masonry)*

Masonry fences must comply with the following criteria to be considered as complying development :

- a) Not categorised as exempt development under this DCP chapter.
- b) Masonry construction to a maximum height of 1.2m between the *building setback* and the street, or 1.8m between the *building setback* and the rear boundary.
- c) Documentary evidence provided that the design of masonry structures complies with AS 3700.

Masonry fence - prescribed conditions:

1. Support for neighbouring buildings
 - a If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - i must preserve and protect the building from damage, and
 - ii if necessary, must underpin and support the building in an approved manner, and
 - iii must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

refer to the general provisions at the start of this chapter as well as the general requirements for complying development on pages 47 to 50.

- b The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
 - c In this clause, allotment of land includes a public road and any other public place.
2. Signs to be erected on building and demolition sites
- a A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - i stating that unauthorised entry to the work site is prohibited, and
 - ii showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
 - b Any such sign is to be removed when the work has been completed.
 - c This clause does not apply to:
 - i building work carried out inside an existing building, or
 - ii building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
3. The fence shall be constructed in accordance with Australian Standard 3700.
4. Before any site works, building or demolition is started, the applicant or builder must:
- a) erect a sign at the front of the property with the builder's name, licence number, site address and consent number
 - b) temporary toilet facilities are to be provided for workers unless existing facilities are available for use on the site;
 - c) protect and support any neighbouring buildings;
5. Install run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows:
- a) divert uncontaminated run-off around cleared or disturbed areas;
 - b) erect a silt fence to prevent debris escaping into drainage systems or waterways;
 - c) prevent tracking of sediment by vehicles onto roads;
 - d) stockpile topsoil, excavated material, construction and landscaping supplies and debris within the site.
6. Removal or disturbance of vegetation and top soil, other than preparation for landscaping or turfing, must be confined to within 3 metres of the approved building area.
7. The land surrounding any structure must be graded to divert surface water to the street, and clear of existing and proposed structures and adjoining premises.
8. Where the water falls to the rear of the property, it must be collected and drained via a gravity system to a Council stormwater line or disposed of in a manner which does not cause erosion, siltation and surface flooding to adjoining neighbours.
9. Notify either the Council or an accredited certifier in advance (48 hours in writing or 24 hours by phone) to inspect the following:
- a) erosion controls, site works and site set out, before building starts;
 - b) placement of piers or foundation before placing footings;

refer to the general provisions at the start of this chapter as well as the general requirements for complying development on pages 47 to 50.

- c) steel reinforcing before pouring concrete.
10. A Compliance Certificate is required at the completion of the development. The Compliance Certificate is to indicate that the development complies with the relevant terms of the Approval and/or Standards of Construction detailed in the Building Code of Australia.

Mechanical ventilation

Installation, including renovation or refitting, of mechanical ventilation, including:

1. Car parks at basement level or otherwise enclosed;
2. Spray painting booths;
3. Commercial kitchens;

or any other manufacturing processes requiring exhaust ventilation in accordance with AS1668.

Mechanical ventilation – prescribed conditions:

Assessment of compliance with AS 1668 must be undertaken by a qualified person, such as a building surveyor or mechanical engineer.

Roofing over existing pergola, patio or deck or balcony*

Notwithstanding the General Exclusions, this form of complying development may be undertaken on existing development in the following zones:

- Zone No. 7(c) (Water Catchment Zone)
- Zone No. 7(d) (Scenic/Escarpment Zone)
- Zone No. 7(f2) (Urban Coastal Land Zone)

Refer to the Exempt Development part of this DCP chapter in relation to the erection of pergolas and patios. Erection of framing and/or roof sheeting or covering over existing development by solid materials (such as sheet metal, tiling, polycarbonate roofing) requires assessment under the Building Code of Australia and must comply with the following criteria to be considered as complying development :

- a) Not categorised as exempt development under this DCP chapter.
- b) Ancillary to an existing approved residential dwelling.
- c) Having no enclosing walls other than the outer enclosing walls of the dwelling.

pergola/patio/deck roofing - prescribed conditions:

1. The development must comply with Timber Framing Code and other applicable Australian Standards.
2. Before any site works, building or demolition is started, the applicant or builder must:
 - a) erect a sign at the front of the property with the builder's name, licence number, site address and consent number
 - b) temporary toilet facilities are to be provided for workers unless existing facilities are available for use on the site;

refer to the general provisions at the start of this chapter as well as the general requirements for complying development on pages 47 to 50.

- c) protect and support any neighbouring buildings;
3. Install run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows:
 - a) divert uncontaminated run-off around cleared or disturbed areas;
 - b) erect a silt fence to prevent debris escaping into drainage systems or waterways;
 - c) prevent tracking of sediment by vehicles onto roads;
 - d) stockpile topsoil, excavated material, construction and landscaping supplies and debris within the site.
4. Removal or disturbance of vegetation and top soil, other than preparation for landscaping or turfing, must be confined to within 3 metres of the approved building area.
5. The land surrounding any structure must be graded to divert surface water to the street, and clear of existing and proposed structures and adjoining premises.
6. Where the water falls to the rear of the property, it must be collected and drained via a gravity system to a Council stormwater line or disposed of in a manner which does not cause erosion, siltation and surface flooding to adjoining neighbours.
7. Upon completion of the work, a Compliance Certificate is to be issued indicating compliance with the relevant terms of the Approval and/or Standards of Construction detailed in the Building Code of Australia.

Shed (including garage) *

Buildings must comply with the following criteria to be considered as complying development:

- a) Not categorised as exempt development under this DCP chapter.
- b) Classified as Class 10a under the Building Code of Australia.
- c) Ancillary to an existing use which is either approved or does not require development consent or a Complying Development Certificate.
- d) Materials to be non-reflective and in earth tone colours. Plain zincalume and white or off-white colours are not to be used.
- e) Is no more than 3.6 metres in height above natural ground level at the highest point of the building.
- f) Maximum *gross floor area* in rural areas of 60 m². Maximum gross floor area in urban areas of 42 m².
- g) Approval has been obtained under Section 68 of the Local Government Act 1993 for wastewater disposal if the building is fitted with facilities that require such approval.
- h) Not requiring excavation or filling in excess of 1 metre in depth.
- i) *One per property* in the following zones:
 - Zone No. 1(c1) (Small Holdings Zone)
 - Zone No. 1(c2) (Small Holdings Zone)
 - Zone No. 2(a) (Residential Zone)
 - Zone No. 2(v) (Village Zone)

Sheds - prescribed conditions:

1. Support for neighbouring buildings
 - a If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - i must preserve and protect the building from damage, and
 - ii if necessary, must underpin and support the building in an approved manner, and
 - iii must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - b The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
 - c In this clause, allotment of land includes a public road and any other public place.
2. Signs to be erected on building and demolition sites
 - a A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - i stating that unauthorised entry to the work site is prohibited, and
 - ii showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
 - b Any such sign is to be removed when the work has been completed.
 - c This clause does not apply to:
 - i building work carried out inside an existing building, or
 - ii building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
3. Before any site works, building or demolition is started, the applicant or builder must:
 - a) erect a sign at the front of the property with the builder's name, licence number, site address and consent number
 - b) temporary toilet facilities are to be provided for workers unless existing facilities are available for use on the site;
 - c) protect and support any neighbouring buildings;
4. Install run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows:
 - a) divert uncontaminated run-off around cleared or disturbed areas;
 - b) erect a silt fence to prevent debris escaping into drainage systems or waterways;
 - c) prevent tracking of sediment by vehicles onto roads;

refer to the general provisions at the start of this chapter as well as the general requirements for complying development on pages 47 to 50.

- d) stockpile topsoil, excavated material, construction and landscaping supplies and debris within the site.
5. Removal or disturbance of vegetation and top soil, other than preparation for landscaping or turfing, must be confined to within 3 metres of the approved building area.
6. The land surrounding any structure must be graded to divert surface water to the street, and clear of existing and proposed structures and adjoining premises.
7. Where the water falls to the rear of the property, it must be collected and drained via a gravity system to a Council stormwater line or disposed of in a manner which does not cause erosion, siltation and surface flooding to adjoining neighbours.
8. The building is not to be used for habitable purposes without Council approval.
9. The building is to be provided with stormwater drainage so that the *structural adequacy* of footings or other structural components of the building or any other building in the locality are not adversely affected.
10. Compliance Certificates are required for footings, slab and completion of the development. Compliance Certificates are to indicate that the development complies with the relevant terms of the Approval and/or Standards of Construction detailed in the Building Code of Australia.

Additional condition for sheds and garages involving driveway construction:

1. Approval is required under Section 138 of the Roads Act for works and structures in road reserves (driveways, stormwater outlets etc.). Application for approval may be made to Byron Shire Council by submission of an engineering plan at scale 1:50 showing works within the road reserve, and payment of application and inspection fees.
2. Driveways and access are to be constructed in accordance with Council's design policy. New driveway crossovers to be constructed in accordance with Byron Council standard drawings 749 (urban) or 909 (rural) and Australian Standard 2890, with transition zones in accordance with guidelines adopted by Council.
3. Where kerb and gutter is provided, driveways are to be a minimum of 500 mm clear of all drainage structures on the kerb and gutter and are not to interfere with the existing public utility infrastructure, including Council drainage structures, unless prior approval is obtained from the relevant authority.
4. Driveways are to be a minimum of 6 metres from the boundary line of a road intersection.

Signs *

Signs must comply with the following criteria to be considered as complying development :

- a) Not categorised as exempt development under this DCP chapter.
- b) Applicable to development in Zone No. 3(a) (Business Zone) and Zone No. 4(a) (Industrial Zone) only.
- c) A maximum of three (3) signs are permitted per premises without development consent from Byron Council, either as exempt or complying development.
- d) Signs are permitted to advertise approved uses only, or uses for which development consent is not required, or exempt development.
- e) Only the following types of signs are complying development:

Above awning sign:

Means a sign located on top of an awning or verandah with no part of the sign projecting above the roof, parapet or ridge line or beyond the awning edge, which has an area not exceeding 2.2 m².

Below awning sign:

Means a sign fixed below an awning and located not less than 2.6 m above the footpath, which has an area not greater than 1.5 m², a depth not greater than 0.5m and is not located closer than three (3) metres to any other below-awning sign.

Multiple identification sign:

Means any sign containing a list of businesses occupying a shared tenancy or the same premises, which has a total advertising area not exceeding 4m².

Projecting wall sign (vertical):

Means a sign which is attached to a building where the height of the sign is not less than its width, and having a maximum allowable projection of 0.8 m up to a height of 3.7 m, or 0.9 m - height 4.6 m, or 1.2 m - height 5.5 m. Any such sign must be a minimum of 2.6 m above the footpath and have no parts of the sign projecting above the roof, parapet or ridgeline, nor obscuring any architectural feature of the building. Where such signs have more than 2 faces and the sign does not rotate, one face of the sign must be parallel to the building alignment. No part of the sign may be located within 0.6 m of the vertical projection of the kerb alignment.

Projecting wall sign (horizontal):

Means a sign which is attached to a building where the width of the sign is not less than its height. Any such sign must be a minimum of 2.6 m above the footpath and have no parts of the sign projecting above the roof, parapet or ridgeline, nor obscuring any architectural feature of the building. Where a horizontal wall sign is located between minimum 2.6 m and 3.7 m above ground, its maximum depth shall be 0.5 m; or if between 3.7 m and 6.0 m, maximum depth may be 1.2 m. Such signs may extend over the footpath to a maximum distance of 2.4 m, or to within 0.6 m of the edge of the kerb, whichever is the lesser.

Sandwich board:

Means a movable sign not greater than 1m² in area, and having a maximum width of 0.75 m, which must be self supporting and which is located on private property. A sandwich board must contain a signwritten heading indicating the premises to which it refers. Note: Sandwich boards located upon public land, eg. Council's road reserve or footpath, requires development consent.

Temporary sign:

Means any sign which is erected or displayed to advertise community or civic projects, major construction projects or other special events on a temporary basis, for a period not exceeding 2 calendar months, and having a maximum advertising area of 6 m².

Flush wall or wall sign:

Means any sign which is fixed or painted directly onto an exterior wall of a building or other structure, where the area of such sign does not exceed 6 m². The sign must be either parallel to the wall on which it is fixed, or painted, and its area may not exceed 25% of the area of such wall.

signs - prescribed conditions:

The type of sign is to be nominated on the Complying Development Certificate.

refer to the general provisions at the start of this chapter as well as the general requirements for complying development on pages 47 to 50.

1. The sign is to be of a professional standard of construction, appearance and finish and maintained in good condition.
2. *Structural adequacy* of the sign and means of fixing and support is to be maintained at all times.
3. Signs located within 1km of the seafront are to be fixed using corrosion protected materials.
4. Any lighting associated with signs be so located or shielded so that no additional light is cast on adjoining land or that it will distract traffic.
5. Display lighting, other than that required for reasonable security, shall not be used between the hours of 9.00 pm and 6.00 am on any day.
6. Materials nominated for advertising structures must be non-reflective and in earth-tone colours, and suitably integrated to compliment the buildings of the area. There is no generally no restriction on the use of colour but strong contrasts in colours shall be avoided in preference to colour schemes based on a reference to existing traditional colour schemes for the area. Backgrounds incorporating very strong colours or strong contrasts in colour should be avoided.

Additional conditions for sign structures having footings:

Notify either the Council or an accredited certifier in advance (48 hours in writing or 24 hours by phone) to inspect the following:

- a) placement of piers or foundation before placing footings;
- b) steel reinforcing before pouring concrete.
- c) Upon completion of the work, a Compliance Certificate is to be issued indicating compliance with the relevant terms of the Approval and/or Standards of Construction detailed in the Building Code of Australia.

Swimming pool

Swimming pools must comply with the following criteria to be considered as complying development :

- a) Ancillary to an approved dwelling-house.
- b) Complying with the Swimming Pools Act and AS 1926 - Fencing for swimming pools.
- c) For concrete pools: documentary evidence to be submitted to the PCA that the pool has been designed and will be constructed in accordance with AS 2783-1985 "SAA Concrete Swimming Pool Code" or any other applicable standard.
- d) Documentary evidence of approval from Council's Water and Sewer Department under Section 68 of the Local Government Act - 1993 (where premises are connected to Council's sewer system).
- e) *One per property.*

swimming pool - prescribed conditions:**Prior To Works Commencing:**

1. Before any site works, building or demolition is started, the applicant or builder must:

refer to the general provisions at the start of this chapter as well as the general requirements for complying development on pages 47 to 50.

- a) erect a sign at the front of the property with the builder's name, licence number, site address and consent number
 - b) temporary toilet facilities are to be provided for workers unless existing facilities are available for use on the site;
 - c) protect and support any neighbouring buildings.
2. Install run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows:
- a) divert uncontaminated run-off around cleared or disturbed areas;
 - b) erect a silt fence to prevent debris escaping into drainage systems or waterways;
 - c) prevent tracking of sediment by vehicles onto roads;
 - d) stockpile topsoil, excavated material, construction and landscaping supplies and debris within the site.
3. No work involving water or drainage shall commence until an appropriately qualified person holding a current NSW Licence has obtained a work permit from Council's Water & Sewerage Services Department.

Upon final completion of the remaining relevant key inspections and prior to the issue of a Final Occupation Certificate, a Compliance Certificate is to be issued indicating the pool and all associated works comply with the relevant terms of the Approval and that all key inspections have been undertaken by an accredited person.

General Conditions for Swimming Pools:

1. Removal or disturbance of vegetation and top soil, other than preparation for landscaping or turfing, must be confined to within 3 metres of the approved building area.
2. The land surrounding any structure must be graded to divert surface water to the street, and clear of existing and proposed structures and adjoining premises.
3. Where the water falls to the rear of the property, it must be collected and drained via a gravity system to a Council stormwater line or disposed of in a manner which does not cause erosion, siltation and surface flooding to adjoining neighbours.
4. The pool is to be constructed in accordance with AS 2783-1985 "SAA Concrete Swimming Pool Code" or any other applicable standard.
5. Swimming Pool Fences are required to be constructed around the pool in accordance with the Swimming Pool Act, 1992 and Australian Standards AS 1926. *(Note: A child resistant fence is required around the pool. The owner can determine the exact location of the fence, however there must be a separate fence between the house and the pool. The pool must also be fenced from adjoining properties. For larger properties in excess of two hectares or on water front properties, the applicant may choose as an alternative to omit the perimeter fencing. In this case approved child-safe window and doors are required to be installed around the entire dwelling).*
6. Pool water disposal and backwash is to be directed to:
 - a) **Sewered Areas** - Council's sewer system with connection to yard gully incorporating 100mm air gap. *(Note: It is the responsibility of the applicant to inform the owners of the pool that, should it be necessary to pump water from the pool, this water is to be discharged to the sewer system. It may be an offence under the Protection of the Environment Operations Act to discharge pool water to the stormwater system or any other waterway).*

refer to the general provisions at the start of this chapter as well as the general requirements for complying development on pages 47 to 50.

- b) **Unsewered Areas** - soakage trench, minimum 3 metres in length located as to not cause any nuisance to adjoining properties or damage to any structures on the subject land or on adjoining land.
7. All drainage piping is to be installed well clear of the proposed swimming pool.
8. Swimming Pools discharge for waste water is to be in accordance with AS/NZS 3500.2.2 Section 10.9 & Figure 10.2.
9. Filter Pump Noise: The filter pump is to be located such that noise from its operations does not cause a nuisance to adjoining property owners. If necessary an acoustic enclosure will be required to be provided to the pump.
10. The swimming pool shall not be used until a final inspection has been undertaken and written consent to use the pool has been obtained.
11. The occupier of any premises in or on which a swimming pool is situated must ensure that there is at all times maintained, in a prominent position in the immediate vicinity of the pool, a sign in accordance with the Regulations, bearing the words **“Young Children Should Be Supervised When Using This Swimming Pool”**.

Water tank *

Water tanks must comply with the following criteria to be considered as complying development :

- a) Not categorised as exempt development under this DCP chapter.
- b) In rural zones only.
- c) Maximum height (including tank) 7.5m.
- d) Maximum capacity 60,000 litres.

Water tank - prescribed conditions:

1. Before any site works, building or demolition is started, the applicant or builder must:
 - a) erect a sign at the front of the property with the builder's name, licence number, site address and consent number;
 - b) temporary toilet facilities are to be provided for workers unless existing facilities are available for use on the site;
 - c) protect and support any neighbouring buildings.
2. Install run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows:
 - a) divert uncontaminated run-off around cleared or disturbed areas;
 - b) erect a silt fence to prevent debris escaping into drainage systems or waterways;
 - c) prevent tracking of sediment by vehicles onto roads;
 - d) stockpile topsoil, excavated material, construction and landscaping supplies and debris within the site.
3. Removal or disturbance of vegetation and top soil, other than preparation for landscaping or turfing, must be confined to within 3 metres of the approved building area.
4. The land surrounding any structure must be graded to divert surface water clear of existing and proposed structures and adjoining premises.

refer to the general provisions at the start of this chapter as well as the general requirements for complying development on pages 47 to 50.

5. Where surface water flows to the rear of the property, it must be collected and drained via a gravity system to a Council stormwater line or interallotment drainage or disposed of in a manner which does not cause erosion, siltation and surface flooding to adjoining neighbours.

Chapter 17:

Public Exhibition and Notification of Development Applications

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1. CITATION AND PARAMETERS

- (a) This plan may be cited as Byron Shire Development Control Plan 2010 Chapter No. 17 – Public Exhibition and Notification of Development Applications.
- (b) This Chapter is prepared pursuant to Section 3.43 of the Environmental Planning and Assessment Act, 1979. In accordance with Section 3.43(1)(c) this plan provides for particular advertising and/or notification relating to specified development. This plan does not include public participation provisions relating to:
 - (i) Designated Development;
 - (ii) State Significant Development;
 - (iii) Advertised Development; or
 - (iv) Other Advertised Development,
 as defined within Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.
- (c) Definitions are those contained in the Environmental Planning and Assessment Act 1979, the Environmental Planning and Assessment Regulation 2000, the Local Government Act 1993 and Byron Local Environmental Plan 1988.
- (d) This DCP chapter shall prevail over any other DCP chapter with regard to advertising and public exhibition and notification provisions.

2. OBJECTIVES

The objectives of this chapter are:

- (a) To provide for public participation in the development application process.
- (b) To specify which development applications will require pre-lodgement community consultation, which will be notified, which will be advertised and which will not be notified or advertised.
- (c) To specify whether the whole public, only sections of the public or specified persons will be notified.
- (d) To specify the procedures for advertising and notification of development applications.
- (e) To specify which applications to modify consents (Section 4.55) will be placed on public exhibition or notified.
- (f) To specify where an application is made to review a determination (Division 8.2 & Section 8.9) and amendments are made to the development described in the original application, when that application will be placed on public exhibition or notified.
- (g) To recognise the traditional owners of the land in Byron Shire Council and to provide them with an opportunity to provide advice to Council on matters of Aboriginal significance and heritage.

3. COMMUNITY CONSULTATION PRIOR TO DEVELOPMENT APPLICATION LODGEMENT

For all developments considered to be community significant development, consultation with the community is required prior to the lodgement of the development application.

The following development types will always be considered as community significant development.

- a) a building with a gross floor area of 5,000m² or more in an industrial, rural or commercial zone; or
- b) any development that will be referred under the Act to the Joint Regional Planning Panel; or
- c) any subdivision resulting in 50 lots or more; or

- d) residential accommodation resulting in 10 or more dwellings; or
- e) any development that proposes demolition of a heritage listed item; or
- f) pubs; or
- g) small bars (nightclubs) within the meaning of the Liquor Act 2007; or
- h) function centres; or
- i) restaurants in rural areas; or
- j) offensive industries; or
- k) telecommunications facilities.

3.1 Minimum Requirements for pre-lodgement community consultation

Pre-consultation with communities likely to be affected by community significant development will assist with identifying issues of concern and enable the development design to respond at an early stage. Pre-consultation can reduce costs, time and quantities of submissions.

Well considered community consultation has the ability to address issues and inform the community with background information to assist in understanding the proposed development. It also allows the community more involvement in the design of development in the Shire.

The following Pre-lodgement community consultation must always be carried out as a minimum:

- a) A facilitated community meeting or workshop.

The following advertisements must always be undertaken as a minimum prior to the consultation period, giving at least 10 days notice of the above meeting or workshop:

- a) Advertisement in a weekly Shire wide newspaper,
- b) Site notice
- c) Letter to any known community groups and/or property owners within 500m of the proposed development,
- d) Use of social media platform

The following must always be included in the above advertisements as a minimum:

- a) An explanation of the proposed application, noting that it has not yet been lodged with Council,
- b) Details of where further information can be found,
- c) Information, including the date and time, on the arranged community meeting or workshop,
- d) Alternative avenues for feedback to be shared – email, telephone etc.
- e) Final date feedback will be received and considered.

Council will consider facilitating/assisting pre-lodgement consultation processes within reasonable means which may include:

- a) Putting applicants in contact with local community groups
- b) Attending community meetings
- c) Publishing details of the proposed application and consultation on Council's website and Council's foyer screens.

It is the responsibility of the applicant to collect and collate the submissions and/or feedback received.

If an applicant would like to alter the required consultation as set out, an engagement plan, stipulating the consultation that would take place instead, must be submitted to Council in writing for approval, giving at least 14 days notice prior to the commencement of any consultation.

3.2 Minimum Documentation Required upon Lodging the Development Application

In addition to any requirements when submitting a development application, the following documents are required where a development requires pre-lodgement consultation with the community.

The developer must submit a report to Council as part of the development application at the time of lodgement.

At a minimum, submitted information must include:

- a) a statutory declaration that consultation was undertaken in accordance with this DCP
- b) accurate details of the nature and extent of the consultation
- c) copies of what the community was shown during the consultation process
- d) copies of all submissions and/or written feedback received
- e) a summary of how the community responded to the proposal and the main comments received
- f) an outline on how the submitted application has responded to the community's concerns with meaningful changes highlighted. If the application being submitted is substantially different to what the community was shown during the consultation period detailed reasons are to be given for how and why the proposal is different. Where there are significant changes that do not respond to community feedback, further pre-consultation may be required.

This report will be made publicly available through the statutory notification period for the development application.

3.3 Timing of Pre-lodgement community consultation

It is recommended that community consultation is designed, prepared for and executed as early as possible. This is to allow the community enough time to genuinely engage and provide feedback and to ensure that the development application can have time to respond and potentially adapt prior to lodgement.

The developer must ensure that the community has adequate time to consider and comment on a proposal depending on its complexity and the issues involved.

The period between 20 December and 10 January (inclusive) is excluded from the calculation of a period of public exhibition as per schedule 1 of the Environmental Planning and Assessment Act 1979 (The Act).

Development applications advertised during periods of public holiday will have their exhibition period extended by a minimum of the holiday period.

4. FORMS OF PUBLIC EXHIBITION AND NOTIFICATION

Public exhibition and notification of development applications must consist of one or more of the following components:

4.1 Display within Council's Website:

The application and the documents accompanying that application will be made available for inspection within Council's website, for the duration of the exhibition period. Council may specify additional locations for inspection of the application at its discretion.

4.2 Newspaper Notice

A public notice must be placed within a newspaper that is circulated within the Byron Shire on the day the public exhibition period commences. That notice must be repeated one week later. The notice must contain the following:

- a) a description of the land (including the address) on which the development is proposed to be carried out,
- b) the name of the applicant and the name of the consent authority,
- c) a description of the proposed development,
- d) a statement that the application and the documents accompanying that application may be inspected at Council's Front Counter, Station Street Mullumbimby during ordinary office hours (Council may specify additional locations for inspection of the application) or within Council's website during the exhibition period,
- e) the dates of the exhibition period,
- f) a statement that any person during the exhibition period may make a written submission to the General Manager in relation to the application,
- g) a statement that, where the submission is by way of objection, the submission must set out the grounds of the objection.
- h) a statement as to Council's policy for supplying copies of written submissions to other people
- i) in the case of an application to modify consent, a statement summarising the modification sought.

4.3 Letter to adjoining and/or surrounding landowners:

A letter to an adjoining and/or surrounding landowner is to be posted no later than three business days before the exhibition period and must contain the following information;

- a) a description of the land (including the address) on which the development is proposed to be carried out,
- b) the name of the applicant and the name of the consent authority,
- c) a description of the proposed development,
- d) a statement that the application and the documents accompanying that application may be inspected at Council's Front Counter, Station Street Mullumbimby during ordinary office hours (Council may specify additional locations for inspection of the application),
- e) the dates of the exhibition period,
- f) a statement that the person may during the exhibition period may make a written submission to the General Manager in relation to the development application,
- g) a statement that where the submission is by way of objection the submission must set out the grounds of the objection.
- h) a statement as to Council's policy for supplying copies of written submissions to other people.
- i) In the case of an application to modify consent, an outline of the modification sought.

5. LEVELS OF PUBLIC EXHIBITION AND NOTIFICATION

The types of development listed below are to be subject to the nominated levels of notification prior to determination. Should there be any conflict between the following provisions or the development is described in more than one level the higher level must apply. A reference to a type of development must also be read as a reference to alterations or additions to that type of development (i.e. Hotel includes additions to a hotel).

5.1 No Public Exhibition or Notification

No Public Exhibition or Notification

Development applications involving the following types of development will not be exhibited or notified:

Development Types

- ◆ Advertising signs and structures.
- ◆ Agriculture.
- ◆ Alterations and additions to a building type that is not specifically listed in Level 1 or Level 2.
- ◆ Boundary adjustment subdivisions that do not provide an additional dwelling entitlement.
- ◆ Buildings and works ancillary to a dwelling-house (garages, pools, sheds, fences etc.).
- ◆ Buildings and works ancillary to agriculture 5 metres or greater from a property boundary.
- ◆ Change of use to a commercial premises within a Business Zone.
- ◆ Change of use to a light industry within an Industrial Zone.
- ◆ Commercial premises within a Business Zone that are single storey.
- ◆ Demolition of a structure that is not a heritage item.
- ◆ Development required to be carried out in an emergency (e.g. relocation of a dwelling to prevent damage from coastal erosion).
- ◆ Dwelling-houses that are single storey.
- ◆ Dwelling-houses that are double storey and comply with the prescriptive measures of this DCP for setbacks and building height plane.
- ◆ Environmental facilities.
- ◆ Forestry involving establishment of native plantations.
- ◆ Fences.
- ◆ Industrial buildings within an Industrial Zone.
- ◆ Internal alterations to a building.
- ◆ Shops within a Business Zone that are single storey.
- ◆ Strata subdivision of existing buildings.
- ◆ Tree removals and tree lopping.
- ◆ Utility installations.

5.2 Level 1

Level 1

Development applications, with less than \$3 million dollar estimated development cost, involving the following types of development will be notified via:

- a letter to adjoining landowners, as defined in 4.3 of this DCP.
- a fourteen (14) day exhibition period.

Only those adjoining landowners who may detrimentally affected by the proposed development will be notified (e.g. a garage with a reduced setback will only be notified to the immediately adjoining landowner). Exhibition of the proposal will take place within Council's website.

Development Types

- ◆ Alterations and additions to building or use that is included within this Level.
- ◆ Buildings ancillary to agriculture within 5 metres of a property boundary.
- ◆ Change of use to a light industry not within an Industrial Zone.
- ◆ Clearing of land within a Rural Zone.
- ◆ Dwelling-houses that do not comply with the prescriptive measures of this DCP for setbacks and building height plane.
- ◆ Dual occupancy developments.
- ◆ Professional consulting rooms.
- ◆ Rural industries.
- ◆ Rural tourist facilities.
- ◆ Rural workers dwellings.
- ◆ Secondary dwellings.
- ◆ Any other development type not listed in any other level.

5.3 Level 2

Level 2

Development applications, with less than \$20 million dollar estimated development cost, involving the following types of development will be notified and exhibited via:

- a letter to adjoining landowners, as defined in 4.3 of this DCP.
- a site notice
- a newspaper notice.
- notification to the Bundjalung of Byron Bay (Arakwal) where located within a property that is mapped as an area of Aboriginal significance or Development on a public reserve or community land.
- a fourteen (14) day exhibition period.
- exhibition of the proposal will take place within Council's website.

Development Types

- ◆ Any development type listed under with an estimated development cost of more than \$3 million dollars and less than \$20 million dollars
- ◆ Animal establishments.
- ◆ Brothels.
- ◆ Change of use to a restaurant within a Business Zone.
- ◆ Change of use to a shop or a food shop within a Business Zone
- ◆ Change of use to a drive-in take-away food shop within a Business Zone
- ◆ Demolition of a building or work that is an item of environmental heritage or a use of a building or land that is an item of environmental heritage for a purpose that would otherwise be prohibited.
- ◆ Development on a public reserve or community land.
- ◆ Educational establishments.
- ◆ Erection of a general store or shop within a Residential Zone.
- ◆ Forestry involving harvesting of native forests or establishing non-native plantations.
- ◆ Hotels.
- ◆ Hostels.
- ◆ Liquid fuel depots.
- ◆ Motels.
- ◆ Places of assembly.
- ◆ Places of public worship.
- ◆ Residential flat buildings, tourist facilities, multiple occupancies or the like.
- ◆ Restaurants and commercial premises other than within a Business Zone.
- ◆ Sawmills.
- ◆ Subdivisions involving the creation of additional allotments.
- ◆ Tourist facilities.
- ◆ Clearing of land within an Environmental Protection Zone.
- ◆ Non-designated extractive industries.
- ◆ Offensive or hazardous industries.
- ◆ Residential flat buildings, tourist facilities or the like.

5.4 Level 3

Level 3
<p>Development applications involving the following types of development will be notified and exhibited via:</p> <ul style="list-style-type: none"> ▪ a letter to adjoining landowners and surrounding landowners ▪ Site notification ▪ a newspaper notice ▪ notification to the Bundjalung of Byron Bay (Arakwal) where located within a property that is mapped as an area of Aboriginal significance or Development on a public reserve or community land. ▪ a twenty one (21) day exhibition period. ▪ exhibition of the proposal will take place within Council's website. ▪ Notification to all community members involved in the pre-consultation process
<p><i>Development Types</i></p> <ul style="list-style-type: none"> ◆ Any development type with an estimated development cost of \$20 million dollars or more ◆ Any development application that will be referred to the Joint Regional Planning Panel for determination ◆ Subdivision that create more than 50 lots ◆ Telecommunication towers

6. PUBLIC EXHIBITION AND NOTIFICATION OF APPLICATIONS TO MODIFY DEVELOPMENT CONSENTS AND REVIEW OF DETERMINATIONS

Applications to modify a development consent pursuant to Section 4.55(1A), 4.56(AA) and 96(2), and applications to review a determination pursuant to Division 8.2 and Section 8.9 of the Environmental Planning and Assessment Act 1979, must be placed on public exhibition and notified in the same manner as described above, as for the original development application.

Where the original development application was advertised/placed on public exhibition/ notified prior to this Development Control Plan coming into force, the level of public exhibition or notification of the application to modify the consent must be determined in accordance with the levels set out in Clause 5 above.

6.1 Exceptions

Applications to modify development consent (Section 4.55) and applications to review a determination (Division 8.2) will not be placed on public exhibition or notified where the modification or amendments to the development involves either:

- (a) modification to conditions of consent where those conditions do not involve the design or location of a building (or key component) or hours of operation,(i.e. developer contributions); or
- (b) modification considered by Council to be a minor change to the proposed development and of low environmental impact (i.e. altered car parking layout, changes to the entry of a shop); or
- (c) internal alterations to a building; or
- (d) modification to a dwelling-house which does not involve a reduction in setback of the dwelling-house from the boundaries of the property; or modification to the first or higher floor level of the dwelling-house; or
- (e) In the case of Division 8.2 or Section 4.56, where no amendments are made to the development described in the original application.

7. NOTIFICATION TO THE BUNDJALUNG OF BYRON BAY (ARAKWAL) AND LAND COUNCILS

Written notification shall be provided to the Bundjalung of Byron Bay (Arakwal) and relevant Land Council for any of the following:

- a) development on a public reserve or community land,
- b) applications listed within the category of Level 2 and Level 3, where such developments are located within a property that is mapped by Byron Shire Council, in association with Bundjalung of Byron Bay (Arakwal), as having Aboriginal significance,
- c) Artwork subject to Chapter D8 that:
 - (i) is produced in an Indigenous style; or
 - (ii) is identified as an Aboriginal artwork; or
 - (iii) is in any way related to Indigenous heritage or culture

8. INCREASES IN THE LEVEL OF PUBLIC NOTIFICATION OR EXHIBITION

Council may, at its discretion:

- (a) notify or publicly exhibit (Levels 1 to 2) a development application that would not have been otherwise notified or publicly exhibited; or
- (b) publicly exhibit (Level 2) a development application that would not have been otherwise publicly exhibited (ie. Level 1); or
- (c) increase the period of notification from 14 days to 21 or 28 days.

Council's discretion on this matter will have regard to:

- (i) whether previous developments on the land have received a significant level of objection; or
- (ii) the location of the development is unique in terms of unusual landform or vegetation; or
- (iii) the size or extent of the development is beyond that which would normally be expected for the category of development.

Council may increase the level of public exhibition at the time of first giving public notice or at any time prior to the conclusion of the exhibition period.

9. WAIVING OF PUBLIC NOTIFICATION OR EXHIBITION

Council has the discretion to waive the public notification or exhibition of any application.

10. DETERMINATION OF A DEVELOPMENT APPLICATION - STATEMENT OF REASONS

Once a development application has been determined, Council will email notification to all submitters and interested parties who supplied a valid email address – as per 4 of this DCP chapter.

The determination will also be published online to Council's website. The notice of determination of the development application includes Council's reasons for the decision and how community views were taken in to account in making the decision, in accordance with schedule 1 of The Act.

This will include:

- a) the decision, and
- b) the date of the decision, and
- c) the reasons for the decision, and
- d) how community views were taken into account in making the decision

Chapter 18:

Becton site and
adjoining lands

Document History

Doc No.	Date Amended	Details Comments eg Resolution No.
#518714 #517040 - Map 1 #517033 - Map 2 #517041 - Map 3 -	Adopted 12 April 2005 Effective 5 May 2005	Res 05-156
#518714	14 October 2010	Res 10-696 - to create Draft DCP 2010 for public exhibition
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1 INTRODUCTION

1.1 Title of this Chapter

This plan is called Byron Shire Development Control Plan 2010 Chapter 18 – Becton Site and Adjoining Lands, Byron Bay. It is a Development Control Plan prepared in accordance with Section 74C of the *Environmental Planning and Assessment Act 1979*, as amended.

1.2 Where this Chapter applies

This Chapter applies to the land defined by a heavy black line on Map 1 of the Map. The land is bounded by the North Coast Railway Line in the south, the Tyagarah Nature Reserve in the west, and the Pacific Ocean and the eastern bank of Belongil Creek in the north east.

1.3 Background Report

This Chapter was prepared having regard to the information, findings and recommendations contained in the Background Report titled “Proposed Draft Development Control Plan for the “Becton” Site and Adjoining Lands, Belongil – Report to Byron Shire Council for BEACON”, prepared by Chris Power Environmental Planning Pty Ltd, Report No.19/04, dated 31 October 2004 (Doc#486548). In the event of uncertainty about the intent or interpretation of any aspect of this Chapter, reference should be made to the Background Report to guide the correct interpretation of this Chapter.

1.4 Objectives of this Chapter

The objectives of this Chapter are:

- 1.4.1 To promote and implement principles of sustainability as identified in Byron LEP 1988 Clause 2(3) in the planning, development and management of the site.
- 1.4.2 To define controls on location, form, character and density of permissible development on the site, in accordance with paragraph (c) of the Objectives of Zone No. 2(t) (Tourist Area Zone) in Byron Local Environmental Plan 1988.
- 1.4.3 To implement the Byron Biodiversity Conservation Strategy and Belongil Estuary Management Plan.
- 1.4.4 To define those parts of the site that require protection from development because of their inherent habitat or biodiversity values, visual characteristics, hazard characteristics, community values, coastal processes or other environmental values or characteristics.
- 1.4.5 To maintain, protect and enhance wildlife corridors to facilitate the movement and dispersal of species between Tyagarah Nature Reserve and significant areas of native vegetation on and beyond the site.
- 1.4.6 To define those parts of the site that should contain only limited forms, types or intensities of development and land uses because of their environmental values or characteristics; and to specify the limitations on the form, type and/ or intensity of development in those areas.
- 1.4.7 To define appropriate densities of tourist accommodation and building development on various parts of the site.
- 1.4.8 To define the remediation, environmental repair and ongoing management measures that are required in order to ensure appropriate environmental restoration and improvement of specific areas and characteristics of the site.
- 1.4.9 To establish a maximum quantum of accommodation on the site.
- 1.4.10 To limit the quantum of permanent building floor space on the site and to ensure the provision of adequate landscaped area.
- 1.4.11 To protect ground water and surface water quality and quantity.
- 1.4.12 To protect and enhance the visual and scenic quality of the site.

- 1.4.13 To protect the amenity and safety of the nearby residential area (Sunrise Beach) from inappropriate through traffic.
- 1.4.14 To ensure that the siting, scale and intensity of development protect and enhance Byron Bay's social and cultural qualities by:
- protecting areas and features of cultural significance;
 - accounting for local and regional values, community needs and aspirations;
 - reflecting Byron Bay's character and scale;
 - ensuring that development of the site does not dominate or detract from the town centre;
 - ensuring that site access does not compromise the amenity or safety of adjacent residential areas;

The specific objectives for each Element included in this chapter are described in the Part relating to that Element.

1.5 How this Chapter works

Section 2.1 of this Chapter defines the Desired Future Character of the site. That description is based on the particular characteristics of the site and its setting, as well as on the social and cultural values and issues that affect, or are affected by, the site and its development. This Chapter shall also be read in conjunction with Chapter 1.

Sections 3, 4, 5 and 6 of this chapter specify particular requirements for various forms of development on the site. Those requirements are generally divided into the primary Control Elements of the particular type of development. Control Elements comprise Element Objectives, Performance Criteria and Prescriptive Measures. In some cases both Performance Criteria and Prescriptive Measures are specified, but in other cases only one of those criteria is specified.

Development proposals must meet the relevant Element Objectives. This can usually be achieved by meeting the prescriptive measures. The prescriptive measures are requirements that Council considers are likely to meet the objectives and performance criteria of the particular control element. Alternatively Council may be prepared to approve development proposals that are demonstrated to meet both the element objectives and the performance criteria.

1.6 Definitions

Words and phrases used in this Chapter have the meanings defined in Byron LEP 1988. Particular words and phrases used in various Parts of this Chapter are defined in this Section. Wherever any discrepancy arises between definitions used in this Chapter and Byron LEP 1988, the provisions of Byron LEP 1988 prevail.

Accommodation Unit

Means room or suite of rooms used, or intended to be used, for the provision of holiday accommodation only. The building is to have a maximum floor area of 80m² excluding balconies, and a maximum of three bedrooms. An Accommodation Unit may be freestanding, or may be attached to one or more other Accommodation Units.

Balcony

Means a raised platform, commonly referred to as a deck or verandah, having a floor level of more than 1m above an adjacent lower level or any deck or verandah covered by a roof.

Bedroom

means a room that is able to be used or adapted for sleeping accommodation, and includes all rooms known or identified as box room, store room, office space, den, studio or the like.

Floor plan area

means the area contained within the outer face of the external enclosing walls of a storey, including the area of balconies, but excluding:

- (a) columns, fin walls, sun control devices and any elements outside the general line of the outer face of the external wall;
- (b) lift towers, cooling towers, machinery and plant rooms and ancillary storage space and vertical air-conditioning ducts;
- (c) car parking needed to meet any requirements of Council and any internal access thereto;
- (d) space for the loading and unloading of goods.

Floor space ratio

means the ratio of gross floor area to site area.

Gross floor area

means the sum of the floor plan areas of all floors of a building.

Site Area

means the area contained within the Precinct in which a building is proposed to be constructed.

The Council

means the Byron Shire Council.

The Map

means the Maps marked:

“Map 1” Planning area (Doc#517040)

“Map 2” Precincts (Doc#517033)

“Map 3” Beach Access (Doc#517041).

deposited in the office of the Council.

The Site

means the land to which this Chapter applies, as defined in Section 1.2.

1.7 Relationship with other planning instruments

This Chapter applies to all development on the land to which this Chapter applies. The information contained in this Chapter is to be read in conjunction with Byron Local Environmental Plan 1988 and other relevant Environmental Planning Instruments. In the event of any inconsistency between this Chapter and Chapter 1, this Chapter shall prevail. This Chapter shall also be read in conjunction with Chapter 1.

2 DESIRED CHARACTER AND INTENSITY OF DEVELOPMENT

2.1 Statement of desired future character

The site will be characterised by a mix of native bushland, coastal dune systems, wetlands and low intensity, low-rise and low scale tourist accommodation and ancillary uses. The integrity of native vegetation, wildlife habitats and waterbodies will be enhanced through active management and strategic revegetation. Natural areas will be separated from development by vegetated buffers and fire protection areas that are designed to minimise impacts on the integrity and quality of ecologically sensitive areas. The buffers also define the boundary of the development footprint and provide a transition between the two.

The textures, colours and design of new development will complement the existing bushland and coastal landscapes, both within and adjoining the site. Buildings will be designed to optimize energy and water efficiency. A small public car park and cycle racks will be provided for beach users not accommodated on the site.

The land has three distinct components, each with a particular desired future character:

- Ecologically sensitive wetlands, habitat and corridor areas, beaches and waterbodies that provide foraging and nursery areas for shorebirds and other conservation priority species. These areas also include an important habitat corridor adjoining the railway line, which is presently partly developed with holiday accommodation units but which provides a connective corridor between the Belongil Creek estuary and the Tyagarah Nature Reserve. These areas will remain in a natural vegetated undeveloped state and will be further revegetated over time.
- Dunes and adjacent lands that are susceptible to shoreline recession and coastal processes. These lands are characterised by vegetated and grassed dunes, hind-dune littoral rainforests and wetlands, grassed areas and waterbodies. Development in these areas will be limited to low-impact environmental facilities, coastline access and environmental management activities, and surf lifesaving facilities.
- A development area central to the site containing low scale tourist accommodation and associated facilities, grasslands and waterways in a landscaped setting of grassed areas and local endemic trees and vegetation. Within the development area:
 - The perimeter adjoining ecologically sensitive areas provides a transition between the natural environment and the central development area. It will be characterised by very low building densities and open areas landscaped with grassed areas and local endemic species. The only buildings that will be located in this transition area are small tourist accommodation units and environmental facilities.
 - The centre of the developable area will contain a wide range of tourist accommodation forms, shops and related facilities.

Development will be designed to respect and protect the ecological values, coastal processes, natural hazards and access limitations of the locality. Development will be designed to respect the relationship of the site to the adjoining Sunrise Beach residential neighbourhood, Tyagarah Nature Reserve, Cape Byron Marine Park and Belongil Beach.

Areas of natural vegetation and important wildlife habitats will be retained, protected and managed to maintain and enhance their biodiversity values. Wildlife corridors that facilitate the movement and dispersal of native species between Tyagarah Nature Reserve and significant areas of native vegetation on and beyond the site will be enhanced. Some cleared areas will be revegetated to improve their function as habitat conservation areas and corridors.

To ensure protection of native fauna species, no cats or dogs will be kept on, or brought to or through the site.

The areas that are subject to potential coastal processes will be managed in a way that ensures protection of the natural dunal and hind-dune systems, while allowing for their long term landward migration in response to coastal recession. Development will be cognisant of coastal processes and will not be designed or located so as to create demands for protection from coastal erosion.

Public pedestrian access to the beach will be provided and situated so as to avoid the shorebird nesting area and to respect coastal and dune system processes.

A small public car park and cycle racks will be provided for beach users not accommodated on the site.

2.1.1 Planning Principles

The desired futures character shall also reflect the following planning principles

Transport Access and Parking

- There is no material increase in stress on the Byron Bay community in terms of access to transport infrastructure, and in particular, transport time, parking availability, traffic congestion or access to local services
- Additional demand on existing transport infrastructure and networks is addressed
- Pedestrian, bicycle and alternative transport systems (including bus and rail where feasible) connect the site to local community facilities, reducing dependence on car use.
- Reliance on motor vehicles as the main mode of transport is discouraged
- Access to the site is limited such that it does not diminish the amenity or compromise the safety of adjacent residential areas
- Provision is made for daily and emergency access
- Access infrastructure avoids locations of ecological or conservation value
- A public road be provided through the site and include provision of a public car parking area.

Land Use

- A mix of tourist, commercial / retail, community , recreational, environmental / conservation and open space uses are provided
- Land uses recognise, protect and enhance conservation values and coastal processes
- New development reflects the unique character and scale of Byron Bay
- The precautionary principle is applied to decisions involving a risk of significant adverse impacts on environmental conservation and coastal values
- The design and arrangement of buildings discourages permanent residential occupation

Tourist Development

- The type and amount of tourist development reflects the environmental, social and economic capacity of the site and Byron Bay
- Tourist development is integrated and compatible with the requirements of the region, including those of existing tourist operators, the community generally and management plans for environmental for environmental assets and sites of cultural significance
- Areas of high conservation value or cultural significance are left largely undeveloped and protected for present and future generations
- Market research, community concerns and ecological limits are considered
- Natural, landscape, archaeological and cultural features are protected and enhanced

- Development is energy and water efficient and does not result in long term impacts on natural or cultural values
- Monitoring of the construction and operational phases of development evaluates the impact of all practices and modifies them where environmental, economic or social performance can be improved
- Only low-rise, village scale tourism facilities are provided
- Public access is provided to the beach. An open publicly accessible village, including publicly accessible facilities is created, including arrangements for wheelchair access.
- Opportunities are provided for the use of the land for community events

Conservation and Habitat Protection

- Sensitive areas are protected and enhanced
- Only those areas with low ecological value are used for tourism purposes
- The State And Regional significance of existing wildlife corridor values of the site are protected and enhanced
- The habitat of threatened or endangered terrestrial and aquatic species are protected and enhanced
- Potential impacts of habitat modification, interference with natural behaviours and exposure to human activities near natural areas are minimised
- Areas of ecological conservation values are identified and mapped in terms of their local or regional significance.
- Significant areas of land are rehabilitated to provide compensatory habitat to offset past degradation
- Best-practice ESD principles are implemented
- Opportunities are provided for the involvement of local community groups in the rehabilitation process
- Sensitive land is secured for conservation in perpetuity

Community Consultation

- The diverse, vibrant and unique character of Byron Bay is protected and enhanced
- Community concerns are allayed or accommodated through consultation with Council and the community prior to and during the development application process
- Consultation embraces a range of techniques employed to ensure that all elements of the community are informed of development opportunities and proposals
- Local and regional values and community needs and aspirations inform planning decisions

Coastal Processes and Environmental Hazards

- Structures and facilities are designed and located to account for climate change including potential sea level rise, storm tide, flooding and other associated impacts
- Coastal processes are generally allowed to occur naturally and their impacts recognised
- Buildings and activities are located away from areas of active coastal processes
- The natural topography and physical features of the coastal dune system are protected and managed
- Emergency evacuation routes are provided for flood events, including those rarer than 1% AEP

- Community services and facilities are located outside areas of coastal or other natural hazards

Services and Infrastructure

- Disposal or reuse of effluent does not adversely impact on public health or the quality of groundwater
- The site is connected to existing reticulated services

2.2 Achieving the Desired Character

This Chapter aims to achieve the Desired Future Character of the site as described in Section 2.1 by:

- Defining particular Precincts and Areas within the site;
- Specifying Principles that must apply to development of the site;
- Specifying the type, character, form and nature of development that will be permitted within each of the Precincts; and
- Specifying specific environmental management and environmental repair measures that must apply as a consequence of development on the site.

The Map defines the following Precincts and Areas on the site:

Precinct 1	Developable Area Low Density Precinct
Precinct 2	Developable Area Higher Density Precinct
Precinct A	Coastal Habitat Precinct
Precinct B	Coastal Processes Precinct
Precinct C	Western Wetland and Heath Precinct
Precinct D	South-western Wildlife Corridor Precinct
Precinct E	Eastern Wetland and Littoral Rainforest Precinct
Precinct S	Shorebird Habitat Precinct
Bush Fire Asset Protection Zone (APZ) Areas	
Waterbody Areas within Precincts 1 and 2	

The map also shows “Buffers and Revegetation” Areas and “Waterbodies” Areas within Precincts A, B, C, D and E, but those areas remain part of the respective Precincts.

The Bush Fire APZ Areas, Waterbody Areas and Buffers and Revegetation Areas are not included in Precincts 1 and 2, or in the calculation of development potential for Precincts 1 and 2.

To achieve the defined Desired Future Character for the site, this Chapter adopts the following principles:

- 2.2.1 Ecologically sensitive habitat areas must be protected from development. The environmental characteristics and qualities of those habitat areas will be enhanced in conjunction with development on the site.
- 2.2.2 Environmentally sensitive coastal and natural hazard areas will be protected from development. The environmental attributes of those areas will be enhanced in conjunction with development on the site.
- 2.2.3 Development for purposes that are permissible only with Development Consent within Zone No. 2(t) (Tourist Area Zone) under Byron Local Environmental Plan 1988 may be carried out only in areas defined by the Map as Precinct 1 or Precinct 2.
- 2.2.4 Development for the purposes of drainage, environmental facilities, recreation areas or roads may be undertaken within other Precincts and/ or buffer areas provided that development:

- a. Will promote the achievement of the Element Objectives for the Precinct in which that development is located as defined in Sections 3 or 4; or
 - b. Is necessary to support the achievement of the Element objectives for any other Precinct and will not detract from achievement of the Element Objectives for the Precinct in which that development is located.
- 2.2.5 The density and type of development in Precinct 1 will be restricted to ensure compatibility with the adjoining ecologically sensitive areas.
- 2.2.6 A higher density of development and a wider range of landuses will be permitted in Precinct 2 compared to Precinct 1..
- 2.2.7 The form, character and design of development that is permitted on the site must be for Tourist Facilities or other permissible development only, and must not facilitate uses that are prohibited under Byron LEP 1988.

The type, character, form and nature of development that will be permitted within each of the Precincts is defined in Sections 3, 4 and 5 of this Chapter. The specific environmental management and environmental repair measures that must apply as a consequence of development on the site are defined in Section 6 of this Chapter.

2.3 Element – Development Applications and site concept plan

Element Objective

- i. *To achieve the Desired Future Character for the site as defined by Section 2.1.*
- ii. *To ensure that development approved on land within the site will be consistent with the objectives, desired future character, principles and relevant Elements defined by this Chapter.*
- iii. *To ensure that individual developments approved on land within the site will be consistent with existing and potential future approved development.*

Performance Criteria

There are no Performance Criteria for this Element.

Prescriptive Measures

The Consent Authority will grant consent to development on the site only if it is satisfied that:

- a. the proposed development will be consistent with the Objectives, Desired Future Character, Principles and relevant Elements defined by this Chapter; and
- b. the proposed development will not jeopardise the achievement of the Objectives, Desired Future Character, Principles and relevant Elements defined by this Chapter for other approved or potential future development on the site.

Environmental assessments (such as Statement of Environmental Effects or Environmental Impact Statement) accompanying any development application must address the Objectives defined in Section 1.4, the Desired Future Character defined in Section 2.1, the Principles defined in Section 2.2 and all relevant Elements defined in Sections 3, 4, 5 and 6 of this Chapter.

Development applications that propose development of only part of the site must be accompanied by a Site Concept Plan that demonstrates that the proposed development will be compatible with the longer term development of the site in a manner that can achieve the Objectives, Desired Future Character, Principles and relevant Elements defined by this Chapter. Development applications proposing development of all or a significant part of the site must contain supporting management plan/s addressing:

- vegetation management including:
 - conservation, restoration and management of native vegetation, wildlife corridors and buffers.
 - staged removal of weed species

- buffers around waterbodies
 - rehabilitation and revegetation of walking tracks through littoral rainforest in Precinct E
 - local low understorey and ground cover plants at densities suitable to disadvantage the Cane Toad, Red Fox and feral and domestic animals
- landscaping and landscape management
 - management of coastal dunes
 - control and management of introduced and feral animals
 - control and management of biting insects including mosquitoes
 - revegetation and restoration of Precinct D (if developments are to be relocated)
 - water cycle management
 - an environmental education strategy to inform visitors and the general public of the environmental sensitivity of the site and the locality. The strategy will include mechanisms to encourage avoidance of the shorebird nesting area and prevention of dogs and cats being kept on or brought to the site.

The contents of the above plans are specified in various sections of this Chapter.

3 CONSERVATION AREAS AND CORRIDORS

3.1 Element – Coastal Habitat Precinct A

Element Objective

- i. To achieve the Desired Future Character for the site as defined by Section 2.1.*
- ii. To protect the coastal complex, littoral rainforest and sedgeland vegetation by restoration together with revegetation of buffering vegetation*
- iii. To provide protection for the open freshwater habitat by revegetation of buffering vegetation*
- iv. To focus environmental repair and protection measures on the littoral rainforest (as an Endangered Ecological Community, TSC Act 1995) and also on the habitats of the threatened (TSC Act 1995) Wallum Sedge Frog, Common Planigale, Eastern Blossom-bat, Grey-headed Flying-fox and Eastern Long-eared Bat*
- v. To similarly focus environmental repair and protection measures on the habitats of all Wallum frog species, freshwater bird species, frugivorous and nectivorous bird species, terrestrial mammal species and mega- and microchiropteran bat species*
- vi. To reconnect the littoral rainforest vegetation with the littoral rainforest occurring in Precinct E by revegetation*
- vii. To provide for appropriate public access to the beach outside Precinct S.*
- viii. To protect and enhance wildlife corridor values on the site and in the general locality.*

Performance Criteria

- i. Restoration of the coastal complex vegetation will result in a significant reduction of Bitou Bush and will involve extensive planting of Beach Sally Wattle and Coast Banksia to achieve substantial canopy closure.
- ii. Restoration of the littoral rainforest vegetation must involve staged removal of weed species that provide food resources for frugivores, such as Camphor Laurel and Queensland Umbrella Tree, and incorporate a replacement planting program using native tree species attractive to frugivores such as figs, laurels, quandongs and acronychias.
- iii. Revegetation of a buffer to the western edge of the littoral rainforest must incorporate local littoral rainforest and swamp sclerophyll tree species planted at spacings designed to achieve a closed canopy and extend fully to meet the boundaries of Precincts C, B, E and S.
- iv. Revegetation of a buffer to the open freshwater habitat must incorporate local sedge and swamp sclerophyll species planted at a suitable density to maintain water quality and discourage the Cane Toad.
- v. Planting of the western edge of the revegetated buffer to the littoral rainforest where the buffer abuts Precinct B is to incorporate local low understorey and ground cover plants at a density suitable to discourage the Red Fox and feral and domestic animals.
- vi. Red Fox control measures and monitoring should be carried out along the boundary of Precinct A with Precincts B and S, subject to approval from the Rural Lands Protection Board where required.

Prescriptive Measures

- i. Public beach access must be provided in accordance with Element 6.1 and an approved Dune Management Plan.

3.2 Element – Coastal Processes Precinct B

Element Objective

- i. To achieve the Desired Future Character for the site as defined by Section 2.1.*

- ii. *To ensure that development and land uses within Precinct B do not compromise, and are not compromised by, coastal recession or other coastal processes.*
- iii. *To protect and enhance wildlife corridor values in the precinct and in the general locality.*

Performance Criteria

Development that does not cause damage to habitat, does not involve the erection of permanent buildings, and that involves only temporary use of land for consecutive periods of not more than fourteen days may be approved in Precinct B. Other development that may be approved in Precinct B is dunal restoration, revegetation, landscaping, environmental facilities, coastline access and management activities, and surf lifesaving facilities. Where development has impacts outside Precinct B, those impacts must not compromise the Element Objectives of other affected Precincts.

Prescriptive Measures

There are no Prescriptive Measures for this Element.

3.3 Element – Western Wetland and Heath Precinct C

Element Objective

- i. *To achieve the Desired Future Character for the site as defined by Section 2.1.*
- ii. *To identify, protect and restore endangered ecological communities*
- iii. *To protect the paperbark and eucalypt/Lophostemon-dominated swamp forest and woodland and dry sclerophyll woodland vegetation by restoration together with revegetation of buffering vegetation*
- iv. *To provide protection for the open freshwater habitat by revegetation of buffering vegetation*
- v. *To focus environmental repair and protection measures on the habitats of the threatened (TSC Act 1995) Wallum Sedge Frog, Wallum Froglet, Black Bittern, Long-nosed Potoroo, Eastern Blossom-bat, Little Bentwing-bat, Large-footed Myotis, Eastern Long-eared Bat and Greater Broad-nosed Bat*
- vi. *To similarly focus environmental repair and protection measures on the habitats of all Wallum frog species, freshwater bird species, raptor species, nectivorous bird species, terrestrial mammal species and mega- and microchiropteran bat species*
- vii. *To protect and enhance wildlife corridor values on the site and in the general locality.*

Performance Criteria

- i. Restoration of the swamp sclerophyll vegetation must achieve regeneration of the understorey layers, particularly along the eastern edge where local low understorey and ground cover plants must be planted at a density suitable to disadvantage the Red Fox and other feral and domestic animals.
- ii. Revegetation of a buffer to the eastern edge of the paperbark and mixed swamp sclerophyll forest vegetation must incorporate local swamp sclerophyll tree species planted at spacings designed to achieve a closed canopy and extend fully to meet the boundary of Precinct A in the north east of the precinct.
- iii. Revegetation of a buffer to the open freshwater habitat must incorporate local sedge and swamp sclerophyll species planted at a suitable density to maintain water quality and disadvantage access by the Cane Toad.
- iv. Red Fox control measures and monitoring must be carried out along the boundary of Precinct C with Precinct 2, and in other areas as appropriate, subject to approval from the Rural Lands Protection Board where required.

Prescriptive Measures

There are no Prescriptive Measures for this Element.

3.4 Element – Southern Wildlife Corridor Precinct D

Element Objective

- i. To achieve the Desired Future Character for the site as defined by Section 2.1.*
- ii. To identify, protect and restore endangered ecological communities.*
- iii. To protect the dry sclerophyll forest, regenerating littoral rainforest, mixed swamp sclerophyll and paperbark/Coast Banksia vegetation by restoration together with revegetation of buffering vegetation*
- iv. To focus environmental repair and protection on the regenerating littoral rainforest (as an Endangered Ecological Community, TSC Act 1995) and also on the habitats of the threatened (TSC Act 1995) Wallum Sedge Frog, Wallum Froglet and Greater Broad-nosed Bat*
- v. To similarly focus environmental repair on the habitats of all Wallum frog species, freshwater bird species, nectivorous bird species, terrestrial mammal species and mega- and microchiropteran bat species*
- vi. To achieve an unbroken 100 m wide corridor of native vegetation incorporating the open freshwater habitat by restoration and revegetation along the entire length of Precinct D to link Precincts C and E*
- vii. To prohibit further development within Precinct D and to encourage relocation of existing development to Precincts 1 and 2.*

Performance Criteria

- i. Restoration and revegetation of the regenerating littoral rainforest vegetation must involve staged removal of weed species that provide food resources for frugivores, such as Camphor Laurel and Queensland Umbrella Tree, and incorporate a replacement planting program using native tree species attractive to frugivores such as figs, laurels, quandongs and acronychias.
- ii. Revegetation of a buffer to the eastern edge of the littoral rainforest and swamp sclerophyll vegetation must incorporate local littoral rainforest and swamp sclerophyll tree species planted at spacings designed to achieve a closed canopy and extend fully to meet the boundary of the Asset Protection Zone.
- iii. Revegetation of a buffer to the northern section of the dry sclerophyll forest must incorporate local dry sclerophyll forest tree species and extend fully to meet the road corridor at the northern end of the precinct.
- iv. Planting of the eastern edge of the revegetated buffer to the regenerating littoral rainforest and mixed swamp sclerophyll forest where the buffer abuts the Asset Protection Zone must incorporate local low understorey and ground cover plants at a density suitable to disadvantage the Cane Toad, Red Fox and feral and domestic animals.
- vii. Red Fox control measures and monitoring must be carried out along the boundary of Precinct D with Precinct 2, subject to approval from the Rural Lands Protection Board.
- vii. Existing developments within Precinct D may be maintained, but are encouraged to be relocated to Precincts 1 and 2 in accordance with Element 5.7.

Prescriptive Measures

- i. A fauna underpass linking Precincts C and D should be constructed under the main access road, incorporating drainage culverts where the main drainage line crosses the road.
- ii. The combined restored and revegetated habitats in Precinct D must create a 100 m wide continuously vegetated corridor (including the open freshwater habitat) extending from the boundary of Precinct C to the boundary of Precinct E.
- iii. No new permanent structures or developments will be approved in Precinct D.

3.5 Element – Eastern Wetland and Littoral Rainforest Precinct E

Element Objective

- i. To achieve the Desired Future Character for the site as defined by Section 2.1.*
- ii. To identify, protect and restore endangered ecological communities.*
- iii. To protect the littoral rainforest and regenerating littoral rainforest, paperbark swamp forest and woodland and saltmarsh vegetation by restoration and revegetation*
- iv. To focus environmental repair and protection on the littoral rainforest and saltmarsh communities (as Endangered Ecological Communities, TSC Act 1995) and also on the habitats of the threatened (TSC Act 1995) Stinking Cryptocarya, Osprey, Bush-hen, Eastern Blossom-bat, Black Flying-fox, Grey-headed Flying-fox, Little Bentwing-bat, Large Bentwing-bat, Large-footed Myotis, Eastern Long-eared Bat and Greater Broad-nosed Bat.*
- v. To focus environmental repair on the habitats of all Wallum frog species, freshwater bird species, frugivorous and nectivorous bird species, terrestrial mammal species and mega- and microchiropteran bat species*
- vi. To reconnect the littoral rainforest vegetation with the littoral rainforest occurring in Precinct A by revegetation*
- vii. To establish an effective habitat connection with Precinct D, the South-western Wildlife Corridor by consolidation of the littoral rainforest link through the regenerating littoral rainforest vegetation in the south-western section of the precinct*

Performance Criteria

- i. Restoration of the littoral rainforest and regenerating littoral rainforest vegetation must involve staged removal of weed species that provide food resources for frugivores, such as Camphor Laurel and Queensland Umbrella Tree, and incorporate a replacement planting program using native tree species attractive to frugivores such as figs, laurels, quandongs and acronychias.*
- ii. Revegetation of the regenerating littoral rainforest and a buffer to the western edge of the littoral rainforest must incorporate local littoral rainforest and swamp sclerophyll tree species planted at spacings designed to achieve a closed canopy and extend fully to meet the boundaries of Precincts A, the Asset Protection Zone and D.*
- iii. Revegetation of the regenerating littoral rainforest should initially focus on consolidating the corridor link in the south-western section of Precinct E where it abuts Precinct D, the South-western Wildlife Corridor.*
- iv. Planting of the western edge of the revegetated buffer to the littoral rainforest and regenerating littoral rainforest where the buffer abuts the Asset Protection Zone must incorporate local low understorey and ground cover plants at densities to disadvantage the Red Fox and feral and domestic animals.*
- v. Red Fox control measures and monitoring must be carried out along the boundary of Precinct E with Precinct 2, subject to approval from the Rural Lands Protection Board where required.*

Prescriptive Measures

- i. Existing walking tracks through the Precinct will be closed and rehabilitated in accordance with environmental management plans.*

3.6 Element – Seabird Habitat Precinct S

Element Objective

- i. To achieve the Desired Future Character for the site as defined by Section 2.1.*
- ii. To provide protection for shorebird foraging, resting and breeding activity by identifying shorebird habitats (as defined by the precinct) and ensuring development planning directs human movements from, into and about the site away from the precinct*

- iii. *To identify areas where active protection of shorebird breeding habitat can be implemented through construction of barriers preventing access by humans and domestic animals and where Red Fox control can be implemented*

Performance Criteria

- i. Pedestrian access to the beach will be redirected to a less sensitive location north of the Belongil Creek estuary.
- ii. Any roads, tracks and trails within adjoining Precincts A and E must direct human movements away from Precinct S.
- iii. Red Fox control measures and monitoring must be carried out along the boundary of Precinct S with Precinct A, subject to approval from the Rural Lands Protection Board where required.
- iv. A Seabird and Shorebird Management Plan must be prepared for the area in accordance with Element 6.2.

Prescriptive Measures

- i. Existing access paths through bushland at the east of the site to the Belongil Creek estuary area will be closed and rehabilitated.
- ii. Appropriate signage must be provided to inform the public of shorebird foraging, resting and breeding behaviour and the need to avoid disturbance of shorebirds in habitats required for these purposes.

4 BUFFERS AND HAZARDS

4.1 Element – Bush fire buffers

Element Objective

- i. *To achieve the Desired Future Character for the site as defined by Section 2.1.*
- ii. *To provide for an Asset Protection Zone (APZ) to minimise the impacts of bushfires.*
- iii. *To establish a buffer to minimise impacts of development and associated bush fire protection measures on adjoining native vegetation, revegetation areas and wildlife habitats.*

Performance Criteria

Bushfire hazards will be managed in accordance with Planning for Bushfire Protection (2006) or its successor.

Prescriptive Measures

An Outer Protection Area of 20 metres minimum width is to be established within defined Asset Protection Zones adjoining Precincts A, B, C, D and E to act both as a fuel reduced hazard reduction area and a buffer between any development and native vegetation. Where consistent with bush fire protection measures, appropriate plantings or regeneration of native species will be encouraged in this area so as to reduce the exposure of the adjoining vegetation to wind, noise, light, pollution, other detrimental factors and to provide additional resources and benefits to fauna.

No development or works other than bush fire protection and revegetation or landscaping is to occur in the 20 metre Outer Protection Area.

Development comprising walking or cycle tracks, access roads, draining, environmental facilities or recreation areas may be carried out in other parts of the defined Asset Protection Zones, provided that development or work does not compromise the Element Objectives of adjoining Precincts.

No habitable or storage structures should be constructed within the defined Asset Protection Zones.

4.2 Element – Water body buffers

Element Objective

- i. *To achieve the Desired Future Character for the site as defined by Section 2.1.*
- ii. *To revegetate buffers around waterbodies with appropriate local native species.*
- iii. *To reduce cane toad impacts, provide cover refuge for water fowl and improve wildlife habitat and water quality.*

Performance Criteria

Vegetated buffers around all waterbodies to disadvantage cane toads and to improve wildlife habitat and water quality.

The width of buffers around waterbodies to be in accordance with 'A Fisheries Assessment and Buffer Proposals for North Beach Byron' (P. Parker, 2004) as approved by NSW Fisheries on 21 September 2004. The buffer widths specified therein must be regarded as a minimum and may be increased where appropriate.

Dense plantings of local sedges and rushes must be undertaken around the edges of waterbodies to minimise opportunities for cane toad habitat.

Prescriptive Measures

Plantings must be of local native species of local provenance seed stock, and comprise a suite of species comparable with the surrounding indigenous vegetation.

Plans for revegetation of buffers around waterbodies outside Precincts A, C, D, E and S must be included in the Landscape Plan prepared in accordance with Element 5.6. Plans for revegetation of buffers around waterbodies within A, C, D, and E must be included in the Vegetation Management Plan prepared in accordance with Element 6.2.

4.3 Element – Mosquito management

Element Objective

- 1. To achieve the Desired Future Character for the site as defined by Section 2.1.*
- ii. To manage potential risks from mosquito borne diseases.*

Performance Criteria

There are no Performance Criteria for this Element.

Prescriptive Measures

A development application for a purpose(s) that includes tourist facilities, accommodation or recreational uses must be accompanied by a report from a qualified and experienced mosquito entomologist that analyses the extent and nature of potential risk to humans visiting the site from mosquito borne diseases. Where significant risk is identified, the entomologist's report must identify appropriate and environmentally acceptable methods and management measures to reduce the risk and maintain it at acceptable levels.

If the proposed management measures involve construction, vegetation management, water management or other works, the carrying out of those works must be consistent with the Element Objectives, Performance Criteria and Prescriptive Measures defined for any Precinct that is likely to be affected by the proposed works, either directly or indirectly.

5 THE DEVELOPABLE AREA

5.1 Element – Low Density Perimeter (Precinct 1)

Element Objective

- i. *To achieve the Desired Future Character for the site as defined by Section 2.1.*
- ii. *To facilitate development of tourist accommodation on land adjoining conservation areas and habitat corridors at a density, and in a form and character that ensure that the conservation values of the adjoining lands are not compromised.*

Performance Criteria

Development within Precinct 1 will consist of small tourist accommodation units at very low overall densities in a landscaped area of grasses and local native species. Short – term temporary uses will be allowed where they do not involve the construction of permanent buildings.

Prescriptive Measures

The only buildings that will be permitted in Precinct 1 are tourist accommodation units and Environmental Facilities.

The only other works that will be permitted in Precinct 1 are environmental facilities, landscaping, environmental rehabilitation, pathways, cycleways, access roads, utility services and drainage works that are required to service tourist accommodation or that are essential to the development of the overall site.

The sum of all tourist accommodation units within Precinct 1 must have a maximum density of 14 bedrooms per hectare and a maximum Floor Space Ratio of 1:14. Both the maximum density and the maximum Floor Space Ratio must be calculated by reference to the total area of land located within Precinct 1 as defined by Map 2, i.e. 6.5ha.

No single tourist accommodation unit is to have a gross floor area greater than 80m² or more than 3 bedrooms.

No building in Precinct 1 is to have a gross floor area greater than 300 m². (*Note: this facilitates small duplex buildings*).

The character, scale and form of development in Precinct 1 must be as specified by Element 5.4 – Built Form.

Council may grant consent for additional development within Precincts 1 and/or 2 as an incentive for removal of development from Precinct D and rehabilitation of the areas as a habitat corridor, as provided in Section 5.7 'Habitat Corridor' of this Chapter.

5.2 Element – Central Development Area (Precinct 2)

Element Objective

- i. *To achieve the Desired Future Character for the site as defined by Section 2.1.*
- ii. *To facilitate development of a range of tourist accommodation and associated facilities in Precinct 2.*
- iii. *To promote flexibility and innovation in design and form of development within Precinct 2, consistent with the Desired Future Character, Intensity and Density defined by Section 2.1.*

Performance Criteria

Development in Precinct 2 may comprise any or all land uses permissible within Zone No. 2(t) (Tourist Area Zone) under Byron LEP 1988, including holiday cabins, tourist facilities and/ or tourist

accommodation attached to other types of permissible development such as commercial premises and/ or shops.

The development of facilities and services that provide for the recreational, cultural and social needs of both tourists and residents of Byron Shire is encouraged in Precinct 2.

Prescriptive Measures

Subject to the provisions of Element 5.7, the sum of all Building Development within Precinct 2 must have a maximum density of 28 bedrooms per hectare and a maximum Floor Space Ratio of 1:6. Both the maximum density and the maximum FSR must be calculated by reference to the total area of land located within Precinct 2 as defined by Map 2, i.e. 4.9ha.

The character, scale and form of development in Precinct 2 must be as specified by Element 5.4 – Built Form.

Council may grant consent for additional development within Precincts 1 and/or 2 as an incentive for removal of development from Precinct D and rehabilitation of the areas as a habitat corridor, as provided at Section 5.7 'Habitat Corridor' of this Chapter.

5.3 Element – commercial, retail and community activities

Element Objective

- i. To achieve the Desired Future Character for the site as defined by Section 2.1.*
- ii. To ensure that development for commercial, retail and community activities within Precinct 2 is located to maximise convenience to potential users and to minimise adverse impacts on the amenity of persons utilising tourist accommodation on the site.*

Performance Criteria

Development for commercial, retail and community activities should be clustered together in a focal area in Precinct 2.

Non-residential development should be located to minimise adverse impacts on the amenity and quiet enjoyment of tourist accommodation on the site.

Prescriptive Measures

There are no Prescriptive Measures for this Element.

5.4 Element – Built Form

Element Objective

- i. To achieve the Desired Future Character for the site as defined by Section 2.1.*
- ii. To ensure that development on the site achieves relevant standards that apply to development generally within Byron Shire, provides acceptable levels of daylight and ventilation, provides appropriate levels of visual and acoustic amenity, respects local climate and achieves an acceptable micro-climate*
- iii. To provide variety in the visual amenity of development and avoid a monotonous and excessively uniform appearance.*

Performance Criteria

Buildings will vary in size, density and height throughout the site. Buildings range from a very low density detached and partially single storey built form around the perimeter to a higher density and more consolidated built form at the centre of the development area.

Buildings in the perimeter area will avoid a homogenous resort appearance by having variety, or at least more than one theme, in design, construction and colour schemes.

Buildings in the form of detached houses are to be designed with reference to the *North Coast Design Guidelines* and the *Coastal Design Guidelines* and avoid current trends in mass-marketed masonry construction with small eaves.

Prescriptive Measures

The provisions of Chapter 1 Part C8 – Tourism Development, C9 – Motels, Hostels and Holiday Cabins and C10 – Caravan Parks and Camping Grounds apply to the relevant forms of development on the site, except for provisions of Chapter 1 that define densities, heights or Floor Space Ratios.

Buildings must be designed to optimize energy efficiency. All tourist accommodation development must comply with Chapter 1 Part C15 – Energy Efficient Housing and the State Environmental Planning Policy (Building Sustainability Index : BASIX) 2004.

Commercial Development on the site must comply with the provisions of Chapter 1 Part D – Commercial Development.

All traffic, access and parking provision on the site must comply with the provisions of Chapter 1 Part G – Vehicle Circulation and Parking.

Development in Precinct B must comply with the provisions of Chapter 1 Part J – Coastal Erosion Lands.

Development on land affected by the 1% AEP Flood must comply with the provisions of Element 5.5 – Drainage and Water Cycle Management and Chapter 1 Part K – Flood Liable Lands.

The erection of signs on the site must comply with the provisions of Chapter 1 Part L – Signs.

In the event of a discrepancy between the provisions of Chapter 1 and this Chapter, the provisions of this Chapter shall prevail.

The placement and design of development must ensure that buildings, private open space and public spaces will have:

- Access to daylight;
- Access to natural ventilation;
- Appropriate levels of visual and acoustic privacy; and
- A pleasant micro-climate.

There must be no overshadowing of public or private open spaces by adjoining development between the hours 9am to 3pm midwinter and 8am to 6pm daylight saving time. Shadow drawings demonstrating shadow impacts at the summer and winter solstice on adjoining buildings and private and public spaces must be submitted with a development application for building development higher than single storey.

The height of buildings must comply with the provisions of Byron LEP 1988 Clause 40 – Height of Buildings

5.5 Element – Drainage and Water Cycle Management

Element Objective

- i. To achieve the Desired Future Character for the site as defined by Section 2.1.*
- ii. To ensure that management of surface water and ground water on the site is consistent with the principles of Integrated Water Cycle management and Water Sensitive Urban Design.*
- iii. To protect the site's sensitive geophysical environment.*

Performance Criteria

Water cycle and drainage design on the site must incorporate Water Sensitive Urban Design principles such as stormwater source control, stormwater and wastewater re-use, potable water demand reduction, the utilisation of natural flow paths and provision of drainage measures with pervious surfaces. It must also address flooding impacts in accordance with the requirements of Chapter 1 Part K - Flood Liable Lands.

The site's water cycle must be designed to utilise natural processes, systems and storage. The design must apply reuse principles to reduce the quantities, velocities and pollutant loads of stormwater discharged from developed areas, improve the efficiency of water use and reduce demand for imported mains water.

The system must be designed to install a continuous chain of treatment elements ("treatment chain") that address not only flooding impacts, but also flow volumes, water quality, water conservation and ecological impacts arising from processes such as flooding and fluctuations in the water table. A development application for development on the site must contain a comprehensive Water Cycle Management Strategy. The Strategy must address a series of hydrological design responses at four distinct levels in the site's hydrological system:

natural systems planning – This applies throughout the site catchments generally. The design must recognise the essential hydrological and ecological functions of natural water tables, watercourses, creeks, floodplains, wetlands and remnant vegetation. Design measures may incorporate retention of natural drainage systems for trunk drainage; and designing the development around natural drainage/creek systems and contours. Stormwater may only be discharged from the site at the rural state up to a 1 in 20 year storm event.

source controls – At the individual development level, roof water must be collected & used in the new development where possible. Some form of water reuse must be included in each development unit. The site must be designed & managed to minimise the release of pollutants such as hydrocarbons (oil & petrol) detergents and sediments into the water stream. The use of permeable pavements is encouraged. The site has a potential for acid sulphate soils and these must be considered in any work program.

conveyance controls – during the conveyance of stormwater away from buildings and roads. May include measures such as water sensitive road designs and using grass swales, infiltration pits and natural channel designs to replace kerb and gutter and concrete lined open drains.

discharge controls – at the point where water leaves the individual development site or the Developed Area. Measures may include stormwater retention/detention/infiltration facilities, constructed wetlands and gross pollutant traps. All stormwater must be treated to remove pollutants and suspended solids. Stormwater must be retained on site and may only be discharged from the site at the rural state up to a 1 in 20 year storm event.

The Water Cycle Management Strategy must also address system maintenance and how this will be achieved.

All excavation must be carried out above the existing water table and in a way that does not change the natural characteristics of the water table.

No building elements, parking or storage areas shall be constructed below the level of the natural water table.

Pollutant loads from new developments shall be limited to the following levels:

Coarse Sediment (< 0.5mm)	80% of annual load
Fine Sediment (< 0.1mm)	60% of annual load

Total Phosphorus	50% of annual load
Total Nitrogen	50% of annual load
Oil & grease	90% of annual load

Prescriptive Measures

A comprehensive assessment of the contaminants in groundwaters and waterbodies must be undertaken, specifically focusing on heavy metals and arsenic. Causes of any contamination and appropriate mitigation measures must be identified. Waterbodies found to be unsafe for human use must be clearly signposted.

5.6 Element - Landscape

Element Objective

- i. To achieve the Desired Future Character for the site as defined by Section 2.1.*
- ii. To provide a development landscaped with endemic species*
- iii. To ensure that the landscape of the site is harmonious with the natural environment and respects and protects the sensitive character of its setting.*

Performance Criteria

Precincts A, B, C, D, E and S are to be rehabilitated, landscaped and managed in accordance with the requirements identified in Sections 3, 4 and 6 of this Chapter.

The landscape of the developed areas is to be designed to reinforce protect and enhance the spread of the indigenous tree canopy and preserve existing waterways.

Landscaping in Precincts 1 and 2 will be characterized by only locally native tree and shrub species and grassed areas and does not include species that have the potential to be environmental weeds.

Landscaping is to be designed, constructed and maintained so as to:

- Retain and rehabilitate natural watercourses, native riparian vegetation and other natural landscape features;
- Promote natural water balance;
- Take into account site constraints, hazards and microclimatic conditions;
- Promote efficient water use;
- Provide for the removal of pollutants prior to the discharge of runoff to receiving waters; and
- Minimise the need to use herbicides and artificial fertilizers.

Prescriptive Measures

A landscape Plan prepared in accordance with the requirements of Chapter 1 Part H – Landscaping must be submitted with a development application proposing development of all or part of the site for tourist accommodation.

Plants known or with the potential to become weed species are not to be used.

Landscaping is to use endemic native tree and shrub species, and is to prefer local provenance seed sources.

5.7 Element – Habitat Corridor Credit

Element Objective

- i. To achieve the Desired Future Character for the site as defined by Section 2.1.*

- ii. *To recognise that the establishment of the South Western Wildlife Corridor in Precinct D will require removal of existing approved development and to provide an incentive for that to occur.*
- iii. *To ensure that any resultant development is consistent with the objectives of this Chapter and relevant Element provisions.*

Performance Criteria

Any additional development must be consistent with the Element provisions of the Precinct in which the additional development is to be situated.

Additional development facilitated by this section must not jeopardise the environmental character or the Element Objectives relating to adjoining ecologically sensitive areas.

Prescriptive Measures

A development application that seeks credits or bonuses pursuant to this Element must be accompanied by a Revegetation and Restoration Plan for Precinct D, prepared in accordance with the requirements of Chapter 6.

In addition to the development standards outlined in Section 5.1 and 5.2 of this Chapter, Council may grant consent for additional tourist accommodation in Precincts 1 and/or 2 equivalent to the area and density of the existing approved floorspace and bedrooms that are located in Precinct D if it is proposed to remove that development.

5.8 Element - Tourism Management

Element Objective

- i. *To achieve the Desired Future Character for the site as defined by Section 2.1.*
- ii. *To ensure that development will be operated and managed as tourist accommodation and will not facilitate uses prohibited under the Byron Shire Local Environmental Plan (particularly residential occupation).*

Performance Criteria

A development application must identify robust and automatic internal controls on the proposed development that ensure to the Council's satisfaction that tourist accommodation will not be utilised for residential purposes.

Prescriptive Measures

There are no Prescriptive Measures for this Element.

6 ENVIRONMENTAL MANAGEMENT AND REPAIR

6.1 Element – Beach Access

Element Objective

- i. To achieve the Desired Future Character for the site as defined by Section 2.1.*
- ii. To provide for legal public access to the beach.*
- iii. To limit human impacts on the shorebird nesting area, dunes, Aboriginal sites, vegetation and adjacent reserves.*

Performance Criteria

Practicable public access must be provided to the beach.

The siting and design of the road, pedestrian and cycle access across the site must be consistent with the Element Objective of the Precinct(s) through which it travels and must be located so as to promote safety and convenience for users.

The beach access track must be located so that it is convenient to tourists at the site and to people using the beach car parking facilities. Its location must be such that people are encouraged to use the beach access track and are discouraged from crossing the dunes elsewhere, and discouraged from travelling to or near Precinct S. Its location and design must be consistent with the Element Objective of the Precinct(s) through which it travels and must have full regard for coastal processes, vegetation management, erosion management and maintenance. Its location and design must minimise disturbance to, and erosion of, the frontal dunes and must be in accordance with a Dune Management Plan prepared in accordance with Element 6.2.

Provision must be made in a convenient location or locations on the site for public parking of up to 100 cars and for safe bicycle storage, primarily to accommodate beach parking for Shire residents. The location of the parking and cycle storage areas must be such that people are encouraged to use the beach access track and are discouraged from crossing the dunes elsewhere, and from travelling to or near Precinct S. The location and design of the parking facilities must be consistent with the Element Objective of the Precinct(s) in which they are located and must have regard for water cycle management, coastal processes, vegetation management, erosion management and maintenance.

All facilities referred to in this Element must be designed and constructed to avoid damage to any Aboriginal sites, littoral rainforest or threatened plants, and so as not to hinder the movement of wildlife due to inappropriate fencing or other structures.

Prescriptive Measures

Provision of public access through the site to the beach will require dedication and construction of public road access, pedestrian and cycle paths connecting through the site, providing public access to the beach from the Sunrise Beach neighbourhood. This work must be undertaken in conjunction with the first stage development of the site and shall generally be in accordance with Map 3.

Signage must be provided to inform people of the location of the shorebird nesting area, the need to avoid the shorebird area during the breeding season, the need to respect and avoid turtle nesting sites, the location of the Tyagarah Nature Reserve, and zonings, and associated restrictions on activities, of the Cape Byron Marine Park in the vicinity.

Full details of the proposed works, environmental management measures and maintenance measures must be included with the Development Application for the first stage of development on the site.

6.2 Element – Environmental management plans

Element Objective

- i. *To achieve the Desired Future Character for the site as defined by Section 2.1.*
- ii. *To ensure the preparation of appropriate environmental management plans for the conservation precincts on the site.*
- iii. *To ensure the preparation of a Vegetation Management Plan to protect and enhance high value native vegetation, to consolidate vegetation boundaries and reduce edge effects, to control and where possible eliminate environmental weeds, to enhance habitat values and to revegetate and consolidate wildlife corridors.*
- iv. *To ensure the preparation of a Seabird and Shorebird Management plan to enhance the breeding success of seabirds and shorebirds and to manage impacts of human activities, foxes and dogs on their habitat.*
- v. *To ensure the preparation of a Dune Management Plan to protect and enhance natural coastal dune vegetation, to control the impact of development on dune stability and to maintain coastal processes.*
- vi. *To identify and manage environmental hazards.*
- vii. *To identify and ameliorate Key Threatening Processes.*

Performance Criteria

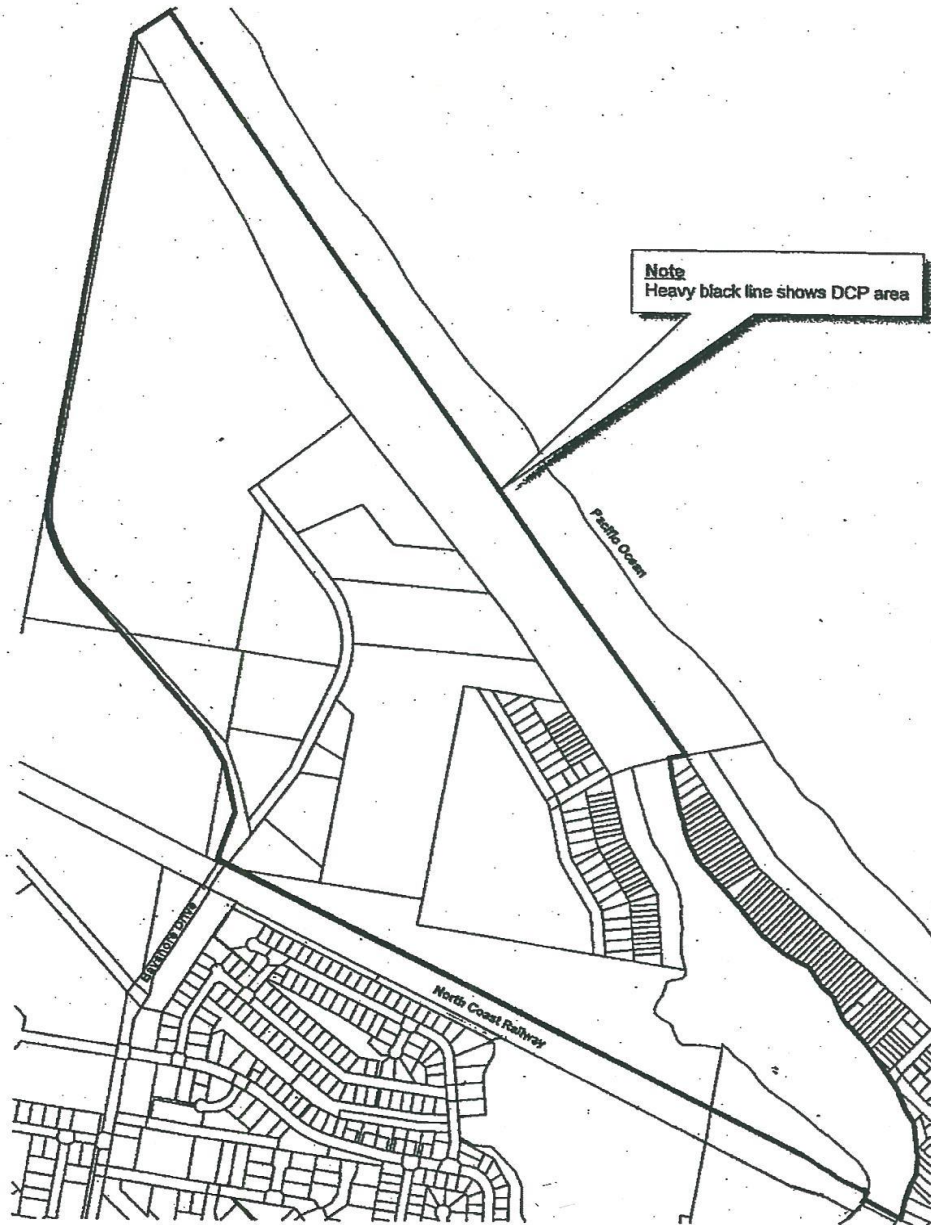
Management plans must incorporate provisions to address Key Threatening Processes under the Threatened Species Conservation Act 1995, including specified measures to reduce the distribution and abundance of species identified as a Key Threatening Process.

Prescriptive Measures

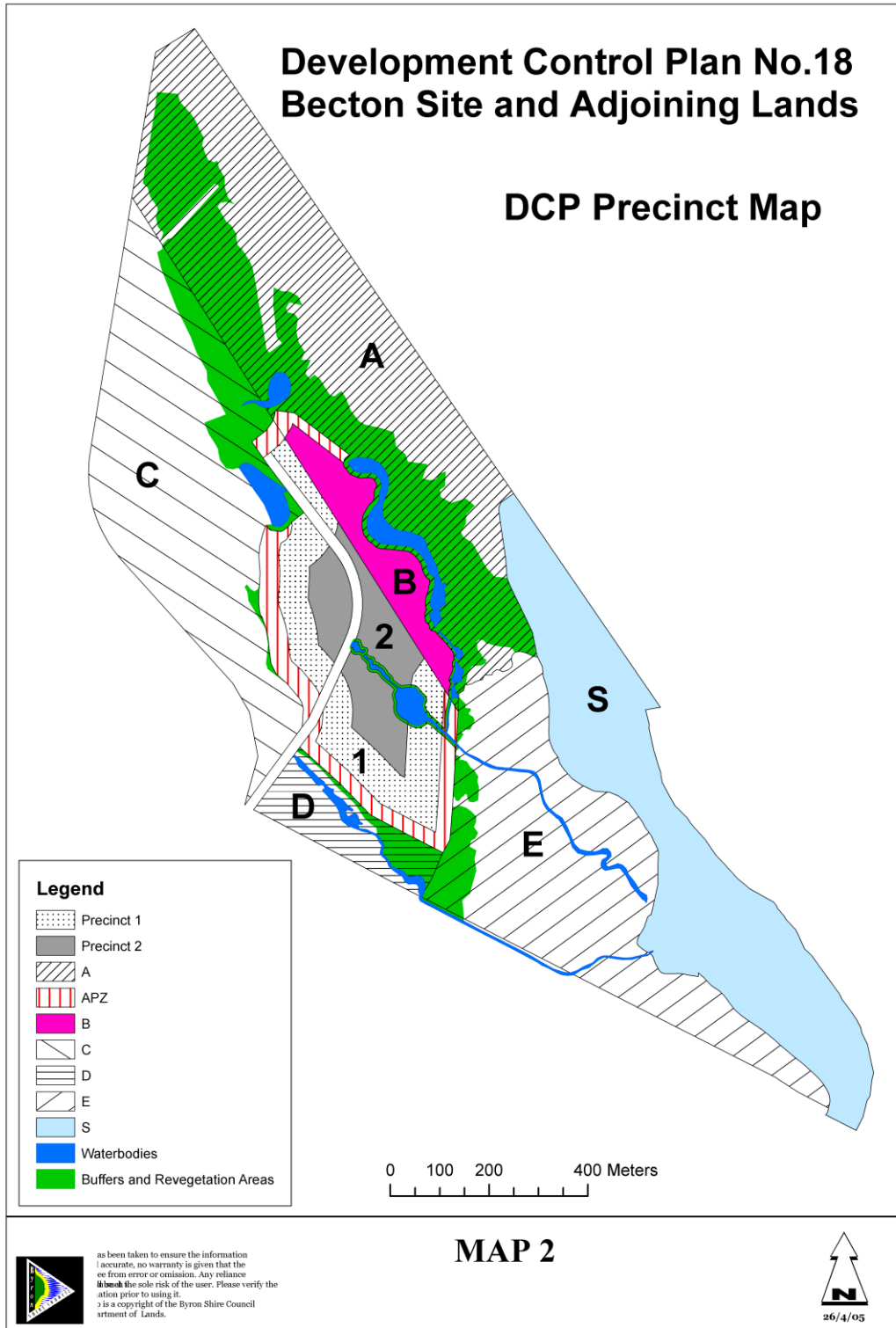
A Dune Management Plan, a Seabird and Shorebird Management Plan and a Vegetation Management Plan, together covering the whole of Precincts A, B, C, D, E and S, must be submitted for approval by Council in conjunction with the first stage of any tourist, recreational, accommodation or related development on the site. These management plans must be developed in consultation with the relevant Government Agencies, including the Department of Infrastructure Planning and Natural Resources, Department of Environment and Conservation, Marine Parks Authority, Department of Lands and Byron Shire Council.

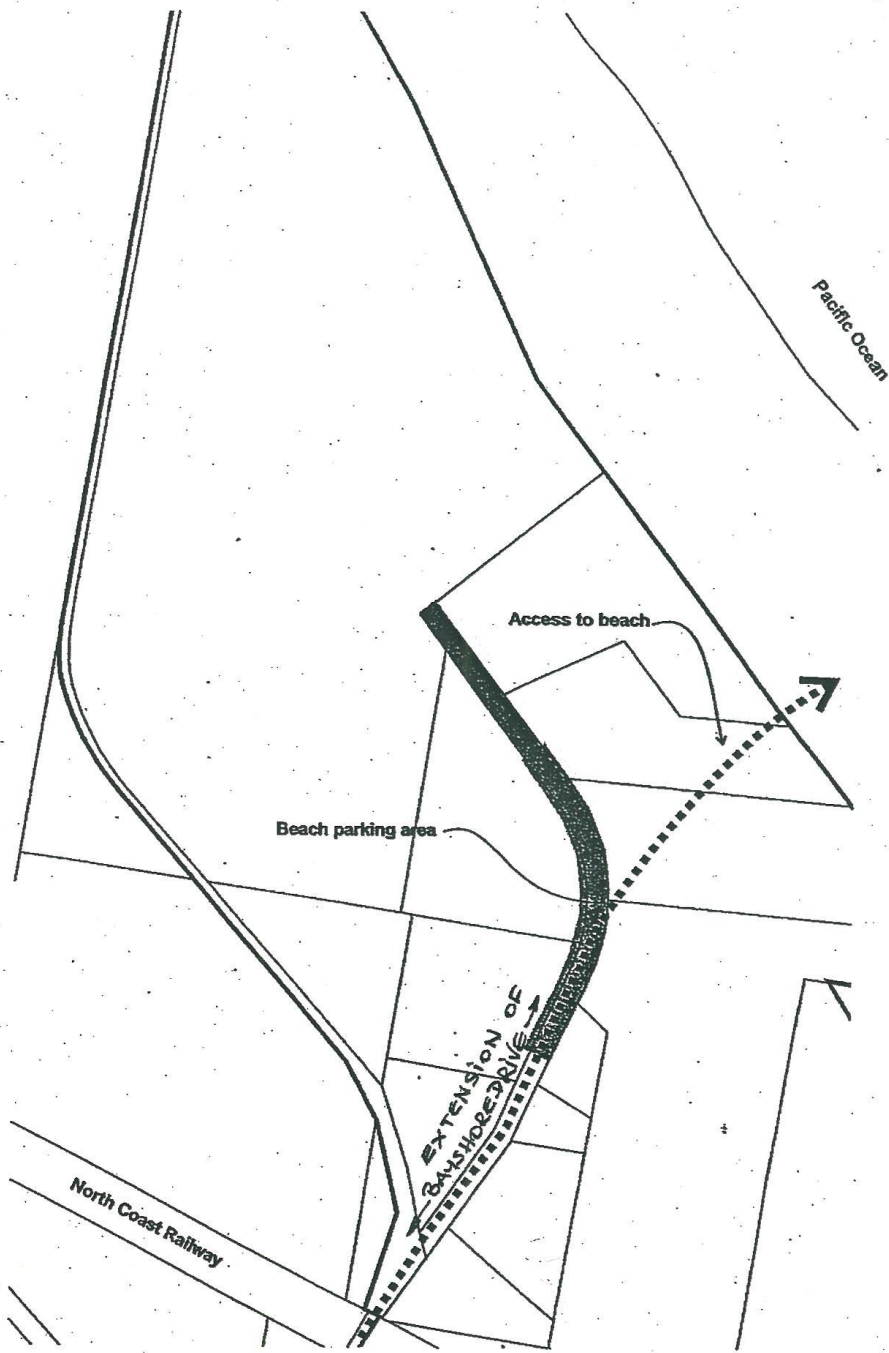
Plantings must be of local native species of local provenance seed stock, and comprise a suite of species compatible with the surrounding indigenous vegetation.

No cats or dogs are to be kept on, or brought to or through the site.



MAP 1





MAP 3

Chapter 19:

Broken Head

Document History

Doc No.	Date Amended	Details Comments eg Resolution No.
#551251 #551412 - Maps	Adopted 11 October 2005 Effective 20 October 2005	05-716
#551251	14 October 2010	Res 10-696 - to create Draft DCP 2010 for public exhibition
#1018813		Draft DCP 2010 Chapter 19 (public exhibition copy)
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SECTION 1 - Introduction

1.1 Citation

This plan may be cited as “*Byron Shire Development Control Plan 2010 Chapter No 19 – Broken Head*”.

1.2 Commencement date

This Chapter was first made effective on 20 October 2005.

1.3 Application

This Chapter applies to the whole of the land shown edged in heavy line on Plan P4.1 – DCP Area and LEP Zones.

1.4 Authority

This Chapter has been prepared pursuant to section 74C of the Environmental Planning and Assessment Act 1979.

1.5 Relationship to statutory planning instruments

The chapter must be read in relation to the Byron LEP 1988, as amended, and other Regional and State Environmental Planning Instruments applying to the land. Statutory planning instruments prevail over this chapter in respect to any inconsistency.

1.6 Relationship to other Chapters and Specific Council policy

This chapter outlines the site-specific planning controls applicable to the development and use of land at the Blackbutt Road, Broken Head. This chapter prevails over other Chapters or Council policy documents only to the extent specified in clause 2. This Chapter should be applied in conjunction with the general provisions of Chapter 1.

1.7 Objectives

The objectives of this Chapter are as follows:

- To facilitate and provide guidelines for the development of land in Blackbutt Road consistent with the provisions of the Byron LEP 1988 and Byron Rural Settlement Strategy 1998.
- To promote innovative community title development of a high design quality, maximising the retention of environmental quality of the land.
- To facilitate the active regeneration of the area through revegetation of degraded areas and the connection of isolated vegetation remnants.
- To establish a movement system, by a hierarchy of roads, bikeways and walkways, which recognises the topography and facilities access to open space for residents.
- To protect and preserve any attractive or significant feature of the local environment.
- To promote local governance with respect to the management of individual land parcels.
- To guide development so as to minimise conflict between the residential use of rural land and routine agricultural activities associated with the legitimate use of adjoining rural lands.

SECTION 2 - Context to Site

This Chapter provides site specific guidelines for the Community Title subdivision of lands identified as having potential for closer rural settlement in the Byron Rural Settlement Strategy 1998. The lands are located in the Broken Head area and form part of the Byron Bay Town Catchment. The Strategy identifies sensitive vegetation including rainforest, density and design as key issues in the Broken Head Area.

Broken Head is characterised by very high biodiversity values and it has exceptional significance for biodiversity conservation. Four threatened plant species and eleven threatened fauna species (listed under the *Threatened Species Conservation Act 1995*) are known on the subject lands and a number of other threatened species, particularly fauna, are considered likely to occur.

The subject lands also provide an important link between Broken Head Nature Reserve and two other areas of very high conservation value – the Taylors Lake-Arakwal National Park area to the north and the Lennox Head heathlands to the south.

Past fragmentation of the area has resulted in small, isolated patches of habitat leading to a loss of some fauna species that require larger areas. The process of fragmentation sets in train a series of ecological processes which change the structure and species composition of the vegetation and ultimately result in degradation and the loss of species from ecosystems. Fragmentation of vegetation results in an overall reduction in area, an increase in the edge/unit area value, and indirect effects on species composition, such as loss of species diversity resulting from disruption of biotic interactions.

New development should be designed to minimise environmental impacts as well as contributing to the environmental repair and rehabilitation of Broken Head. Development should be clustered in areas of low environmental value that have not been identified as part of a revegetation strategy to create corridors and link existing remnants. Environmental repair works will focus on revegetating riparian zones, widening wildlife corridors and connecting isolated remnants to create more viable areas of habitat. Walkways will be designed to minimise access through areas of significant vegetation to minimise the impact of introduced and feral predators.

SECTION 3 - Constraints and Opportunities

The land is located approximated 3 km south of Suffolk Park and 9 km south of Byron Bay. It is bounded by Broken Head Road to the west and Blackbutt Road along its northern frontage.

The land is drained by 3 unnamed watercourses located in the north, central and southern sectors of the property. The drainage lines are separated by secondary ridges aligned generally in an east-west fashion but changing to a north-south spur further on the western boundary of the land. The topography of the land is characterised by a series of undulating ridges separated by drainage lines.

Previous agricultural uses resulted in almost the complete loss of native vegetation cover on the eastern side of the land and a significant canopy loss on the western side. The land is classified generally as Class 5 Agricultural land according to the Agricultural Land Suitability Mapping prepared by NSW Agriculture. Some small areas of Class 4 land are located on the property but none of the land exhibits prime crop or pasture land characteristics.

Pursuant to the provisions of the Byron Rural Settlement Strategy 1998, the land has been mapped in accordance with the requirements set out at Section 6.2 of the Strategy. The map illustrates the “developable” components of the land within the meaning of the Rural Settlement Strategy.

SECTION 4 - Guidelines

4.1 Introduction to development guidelines

The guidelines in this section generally appear under 2 headings:

Performance standard	Specific control
<p>A description of requirements to satisfy particular site planning considerations. In each instance the performance standards are stated with the obligation upon the applicant to demonstrate compliance with the planning principle. If an applicant is unable or unwilling to demonstrate that the proposal meets the performance standard, the “specific control” shall apply.</p>	<p>A numerical standard, explanatory drawing or standard of workmanship to the satisfaction of a nominated officer of the Council. Such controls shall be strictly adhered to in the absence of satisfactory compliance with a performance standard.</p>

Refer to appendices for botanical names of plants.

4.2 Vegetation Management

One of the overriding aims of the Byron Rural Settlement Strategy is to ensure that future rural settlement is directly linked to the repair, enhancement and protection of the natural environment, thereby increasing the Shire’s natural capital. A prime objective of vegetation management on land to which this Chapter applies will be to reconnect existing vegetation remnants with habitats to the north, south, west and east (including the Broken Head Nature Reserve) to assist with its function of long-term biodiversity conservation. It should also ensure adequate buffers are provided between the adjoining agricultural uses.

As an outlier of the former Big Scrub, a substantial proportion of the vegetation is dominated by rainforest elements. These are currently increasing as regeneration and succession restore vegetation cover and environmental stability following extensive clearing last century. Broken Head is bordered by heathland and shrubland to the north and south and by mainly cleared land to the west. It presently supports a mosaic of different vegetation types that reflect a relatively high level of past disturbance.

Moist and wet vegetation types predominate with Hoop Pine and Brush Box-dominated rainforest occupying most of the eastern section. Smaller patches of Tuckeroo and Bangalow Palm rainforest also occur in the east but in the western section wet and moist sclerophyll forests become dominant. Blackbutt, Tallowwood, Flooded Gum and Pink Bloodwood characterise the canopies of the latter on the ridges and slopes and in low-lying areas stands of swamp sclerophyll forest are dominated by Broad-leaved Paperbark and Pink-tipped Bottlebrush. Small patches of dry sclerophyll forest occur along more exposed ridges with Red Bloodwood, Scribbly Gum and Cypress Pine prominent. Coastal shrubland is dominated by Coast Banksia and in places by Black She-oak, Wallum Banksia and teatree species.

Some of the patches of rainforest and Blackbutt forest contain high levels of old-growth elements, a scarce resource along the NSW coastline. Other attributes of the vegetation important to fauna include the high levels of nectar and fruit produced throughout the year by different sclerophyll and rainforest plants.

Past clearing of native vegetation has led to fragmentation, whereby formerly contiguous areas of habitat are separated into a number of smaller areas. Fragmentation also leads to the loss or severe modification of interactions between species, including those interactions that are important

for their survival. Small isolated populations may be subject to local extinction from chance events. The hostility of the surrounding (cleared) environment is a major factor in limiting movement of organisms between patches. The physical environment within patches may be altered as a result of the creation of edges and human influences.

Community Title development provides an opportunity to revegetate part of the lands and to link and enlarge smaller vegetation remnants to create larger areas of more viable habitat.

Performance standard	Specific control
Vegetation remnants are buffered, rehabilitated and coalesced into larger habitat blocks to create corridors and to ameliorate the effects of vegetation fragmentation.	<ul style="list-style-type: none"> ▪ Existing vegetation accurately described and mapped ▪ Areas of existing native vegetation buffered ▪ Development clustered on each property to reduce fragmentation and allow for large areas of contiguous undisturbed habitat ▪ Small patches of vegetation reconnected to larger areas of vegetation forming corridors connecting existing vegetation remnants within and between properties ▪ Environmental repair plans to be carried out as shown on Plan P4.3. ▪ Revegetation plantings to consist of species that occur locally (see Appendix A) and preferably of local provenance ▪ Any domestic stock excluded from areas of native vegetation and regeneration areas ▪ No buildings erected within 50m of any 7(j) or 7(k) zone ▪ No buildings erected within 50m of any external property boundary ▪ Details of this should be included in the Community or Neighbourhood Management Plan where appropriate
Use of vegetation to buffer adjoining agricultural activities.	<ul style="list-style-type: none"> ▪ Utilise site features such as the natural topography of the land to buffer new dwellings from the surrounding agricultural environment ▪ Provide and enhance existing and strategically planned vegetation to increase the level of buffering and separation between new dwellings and adjoining agricultural activities

4.3 *Habitat Restoration and Management*

The Broken Head Local Environmental Study identified lands of environmental significance at Broken Head and these have subsequently been zoned for environmental protection purposes under the Byron Local Environmental Plan 1988 (Amendment No 53). These areas provide habitat for threatened species and should be managed in a manner that protects their environmental and habitat values.

The regular removal of understorey species in a remnant prevents natural regeneration and will eventually result in the loss of the remnant. Understorey vegetation provides habitat and cover for

fauna including threatened species such as Mitchell's Rainforest Snail, the Bush-hen, Common Planigale and Long-nosed Potoroo.

Clearing of leaf litter and fallen logs, often associated with clearing and/or burning of the understorey removes habitat for a wide variety of vertebrates and invertebrates which live in the leaf litter and in the fallen logs – including reptiles, small mammals, spiders, molluscs, millipedes, ants etc. These impacts may affect ecological functioning. Loss of the leaf litter also exposes bare soil which will be susceptible to soil erosion and drying, and hence affects the soil biota, and may make sites more vulnerable to weed invasion.

Existing habitat areas should be actively managed to protect and enhance biodiversity values.

Performance standard	Specific control
Habitat is managed to maximize use by native fauna.	<ul style="list-style-type: none"> ▪ Understorey vegetation is retained ▪ Where degraded the understorey is rehabilitated ▪ Leaf litter, logs and stags are retained in habitat areas. ▪ Hollow fence-posts and old stumps are retained as they provide habitat for native fauna, e.g. nesting habitat for parrots. ▪ Details of this should be included in the Community or Neighbourhood Management Plan where appropriate

4.4 Environmental Weeds

The creation of edge and disturbed habitats has facilitated the establishment and spread of exotic plant species which frequently displace native species. Exotic species should be removed using methods that do not adversely impact upon existing habitat or naturally regenerating areas. Introduced weed species that present a particular problem at Broken Head include Cherry Guava, Camphor Laurel, Privet, Groundsel and Slash Pine.

However, some introduced plant species may be of value as threatened fauna habitat. For example, Camphor Laurel provides food for the Rose-crowned Fruit-dove and Lantana and grasses such as Setaria provide cover and foraging habitat for the Bush-hen. For this reason, any areas dominated by introduced plant species should be carefully assessed to determine their threatened fauna habitat value before clearing. In cases where these are found to be important as faunal habitats, introduced plant species should be progressively replaced by suitable native species.

The introduction of new weeds into the area should be avoided by minimising areas of disturbance and avoiding the use of plants in gardens and landscaping that have the potential to become environmental weeds.

Performance standard	Specific control
The environment is managed so as to minimise degradation through environmental weed infestation.	<ul style="list-style-type: none"> ▪ A weed management plan prepared for each property. ▪ The property owners co-operate to eradicate environmental weeds. ▪ Particular attention paid to Cherry Guava, Camphor Laurel, Privet, Groundsel, Slash Pine. ▪ There is a ban on the planting of species known to be environmental weeds (see Appendix B).

Performance standard	Specific control
	<ul style="list-style-type: none"> ▪ Details of this should be included in the Community or Neighbourhood Management Plan where appropriate

4.5 Riparian Zone Management

The protection and enhancement of riparian vegetation is important in terms of protecting water quality, providing fauna habitats and movement corridors and protecting aquatic biota.

Regeneration of riparian zones since past clearing has not occurred at the same rate as other vegetation types on the subject land, primarily because of past practices of allowing cattle access to these areas. Past clearing has led to bank erosion, sedimentation, reduced nutrient filtering capacity and changes to stream behaviour.

Riparian zones need to be protected through the provision of adequate building setbacks to streams and drainage lines and through appropriate revegetation of stream banks where they have been cleared or degraded.

Performance standard	Specific control
Adequate buffers are provided to streams and other drainage lines.	<ul style="list-style-type: none"> ▪ No buildings erected within 40m of 1st order streams ▪ Minimum 20m from 1st order streams is densely revegetated using species known to occur in riparian vegetation in the Broken Head area. ▪ No buildings erected within 50m of 2nd order streams ▪ Minimum 30m from 2nd order streams densely revegetated using species known to occur in riparian vegetation in the Broken Head area. ▪ Plants locally sourced and include species such as <i>Lomandra</i> spp., <i>Gahnia</i> spp and rainforest trees. ▪ Domestic stock excluded from waterways (watering troughs installed). ▪ Details of this should be included in the Community or Neighbourhood Management Plan where appropriate

4.6 Domestic and Feral Animals

Domestic cats are known to predate small mammals and birds and predation by feral cats has been listed as a Key Threatening Process under the Threatened Species Conservation Act. The Common Planigale has been recorded at Broken Head and is potentially threatened by domestic and feral cats. The effects of domestic and feral dogs on small mammal populations are well-documented. Threatened species such as the Koala and Long-nosed Potoroo are highly vulnerable to predation from domestic and feral dogs. There is potential habitat for Long-nosed Potoroo at Broken Head and the Koala is known to occur in the area.

Due to the environmental sensitivity of the Broken Head area and the known and likely occurrence of threatened fauna, the keeping of domestic cats and dogs will be prohibited.

Performance standard	Specific control
Domestic cats and dogs are excluded from the area.	<ul style="list-style-type: none"> ▪ A ban applies on the ownership of domestic cats and dogs

- | | |
|--|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <ul style="list-style-type: none"> ▪ Details of this should be included in the Community or Neighbourhood Management Plan where appropriate |
|--|------------------------------------------------------------------------------------------------------------------------------------------------------------|

4.7 Introduced Animal Management

Red Fox

Predation by the European Red Fox has been listed as a Key Threatening Process under the Threatened Species Conservation Act. Impacts of the Red Fox on native fauna are well established. There are large numbers of Foxes present in the Broken Head area. Foxes favour disturbed areas and are known to use roads and tracks through otherwise undisturbed areas to predate native fauna.

Cane Toad

Shallow ponds and dams, grassy swales with closely mown or grazed edges, lawns, roadways and cleared land create ideal breeding and foraging areas for the Cane Toad. This species is known as a voracious predator of small terrestrial vertebrates including the Threatened Common Planigale and is also toxic to frog-eating snakes such as the Red-bellied Black Snake. Methods for controlling Cane Toad populations include the planting of dense vegetation such as sedges and rushes around dams to reduce their suitability as breeding habitat and restricting areas of mown lawns, particularly where electric lighting is installed, limits areas suitable for foraging.

Plague Minnow

Predation by the Plague Minnow has been listed as a Key Threatening Process under the Threatened Species Conservation Act. The Plague Minnow is also known as the Mosquito Fish as it was introduced into many areas for mosquito control. However, research has suggested that native fish species are as effective, if not more so, at lowering mosquito numbers. Impacts of the Plague Minnow, including predation, competition for food and habitat and aggression, have been confirmed on two native fish species.

Plague Minnow are viviparous (bear live young). Native fish species produce eggs (oviparous) rather than live young making them potentially more susceptible to predation. Other factors such as some native species not having learnt to conceal themselves from Plague Minnow, the aggressive behaviour of Plague Minnow and direct competition between Plague Minnow and native species contribute to the strong likelihood that Plague Minnow are having a negative impact on native fish species. Plague Minnow may also impact upon amphibian populations directly and indirectly, including predation of eggs and larvae.

Plague Minnow prefer warm and gently flowing or still waters, mostly around the margins and along the edges of aquatic vegetation although the species tolerates a wide range of temperatures and other habitat conditions.

Performance standard	Specific control
<p>The environment is managed to reduce the habitat and impacts of feral animals.</p>	<ul style="list-style-type: none"> ▪ A Red Fox eradication plan prepared for each property. ▪ Isolated vegetation remnants reconnected. ▪ Dense understorey re-established. ▪ Paths and roads through habitat areas limited to reduce Fox access. ▪ A Cane Toad eradication plan prepared for each property. ▪ Dense plantings of sedges, rushes around dams and waterways to provide favourable habitat for native frogs and reduce habitat for Cane Toads. ▪ Waterways shaded with riparian vegetation

Performance standard	Specific control
	<p>to lower water temperature and thus make conditions less favourable for Plague Minnow.</p> <ul style="list-style-type: none"> ▪ Logs and rocks placed around dam edges and in the water to provide cover for native fish. ▪ Native fish passage is not prevented by inappropriate constructions across waterways. ▪ Details of this should be included in the Community or Neighbourhood Management Plan where appropriate

4.8 Building Design Controls

All buildings are to be compatible in design with the rural character of the Broken Head area and shall embody the principles of Ecologically Sustainable Development in terms of energy efficiency and use of materials. These guidelines are based on five main design elements – site responsive design, energy efficiency, bulk and form, material and colours.

4.8.1 Site Responsive Design

Performance standard	Specific control
<p>That all buildings are designed to suit the existing topography so as to minimise requirements for site excavation and filling.</p> <p>Also location of dwellings to minimise conflict with adjoining agricultural activities.</p>	<ul style="list-style-type: none"> ▪ Avoid locating dwellings on slopes with a gradient of 20% or more ▪ Use pole construction or split level type designs on slopes of moderate gradient (>10%) ▪ Restrict earthworks such that cut and fill batters are minimised or incorporated into the design of split level house. ▪ Where cut or fill batters are to be retained, retaining walls are to be constructed of natural materials which will blend with the landscape (eg. stone or timber). ▪ Where batters are not retained, slopes are not to exceed 25% gradient (1 in 4) and are to be revegetated as soon as possible upon completion of the earthworks. ▪ Locate dwellings below major ridgelines to reduce visual impacts ▪ Ensure new dwellings at least 200 metres from land used for sugar cane haulage and sugar cane pads ▪ Ensure new dwellings, if possible, at least 200 metres from land used for sugar cane production. If not possible, then justification is required (as detailed in relation to buffers in Chapter 1 or its equivalent) for new dwellings to be located closer than 200 metres to land used for sugar cane production. ▪ Ensure new dwellings have a minimum buffer from agricultural activities (other than

Performance standard	Specific control
	sugar cane production) that is consistent with the buffer requirements in Chapter 1 or its equivalent.

4.8.2 Energy Efficiency

Performance standard	Specific control
To minimise requirements for household heating and cooling based on on-renewable energy sources.	<ul style="list-style-type: none"> ▪ Avoid south or west facing slopes when locating dwelling sites. ▪ Locate habitable rooms (living rooms, dining rooms, bedrooms) on the northern and eastern sides of the house. ▪ Locate non-habitable rooms (laundry, bathroom, toilet, carports) on the southern and western sides of the house. ▪ Shade north and west facing windows and external walls from the summer sun with verandas, overhanging eaves or awnings. ▪ Maximise natural ventilation (by cross and/or vertical ventilation) through the appropriate location and sizing of doors and windows. ▪ Reduce the potential for heat transmission through the roof with insulation and by maximising the area of roof space through the avoidance of flat or low pitched roofs. ▪ Improve roof space ventilation through the use of features such as louvre vents in gable ends and Dutch gables, and/or the installation of roof top ventilators. ▪ Dwellings to be designed to comply with BASIX legislation. ▪ Where dwelling houses are connected to the reticulated electricity supply, dwellings shall be provided with a modular solar powered generating system capable of feeding into the grid system or shall purchase electricity through an accredited "Green Power" provider.

4.8.3 Bulk and Form

Performance standard	Specific control
That no building be visually intrusive when viewed from any place from within or outside the site, or be of a form or character which is not compatible with the rural nature of the property or surrounding landscape.	<ul style="list-style-type: none"> ▪ Reduce the bulk and scale of large dwellings by designing as smaller interconnected components. ▪ Avoid large expanses of roof and wall surface by creating variations in roof and wall line. ▪ Keep roof lines below the level of the main ridge-lines of the property. ▪ Incorporate elements into the design which

Performance standard	Specific control
	are traditional and appropriate design responses to local climatic conditions (e.g. verandas and pitched roofs)

4.8.4. Building Materials

Performance standard	Specific control
That all buildings be constructed of materials which are in keeping with the natural character of the Broken Head area and which satisfy criteria for ecologically sustainable development with regard to their source and nature of manufacture.	<ul style="list-style-type: none"> ▪ Avoid the use of brush-box and imported rainforest timbers. ▪ Give preference to materials derived from a renewable or sustainable source. ▪ Avoid materials which use high levels of non-renewable energy in their manufacture. ▪ Use recycled building materials wherever practicable. ▪ Avoid materials such as concrete, clay or metal roof tiles which are incompatible with the rural character of the area (external walls made from brick, concrete block, formed concrete or concrete based masonry products should be finished in a rendered or painted surface).

4.8.5. Colours

Performance standard	Specific control
That the external colours of all buildings blend with the surrounding landscape.	<ul style="list-style-type: none"> ▪ Avoid highly reflective colours and finishes. ▪ Use colours on roofs and external walls which are compatible with the colours of the surrounding environment (no restriction applies to colours used for trim such as guttering, window frames, doors, veranda posts and railings etc).

4.9 Road and Movement Systems

The objective is to create a functional internal movement network that services the community in a pleasant, safe, accessible, socially and environmentally acceptable manner. Internal roads are designed to reduce traffic speed and minimise vehicle/pedestrian conflict. Constructed with grass verges, swales and landscaped edges to provide picturesque corridors and increase infiltration rates for stormwater run-off.

Cycle and walkways provide a range of options for recreational and task-oriented journeys.

4.9.1 Integrated Movement Networks

Performance standard	Specific control
To provide movement networks for vehicles, pedestrians and cyclists that are integrated,	<ul style="list-style-type: none"> ▪ Streets within any neighbourhood do not operate as through traffic routes for

cost-effective and environmentally acceptable, and minimise the impact of traffic on the residential environment.	externally generated traffic (other than for pedestrians and cyclists).
-------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------

4.9.2 Road Networks

Performance standard	Specific control
To create street networks in which the function of each internal road is clearly identified providing acceptable levels of access, safety and convenience for all users.	<ul style="list-style-type: none"> ▪ Access to the site (Lot 7) from Broken Head Road must be in accordance with the requirements of the RTA. ▪ The road network takes account of the topography and vegetation, respects any existing site assets, and takes advantage of opportunities for views and vistas. ▪ The road network takes account of natural drainage and open space systems ▪ Provision of a public transport stop, as per RTA requirements, that can be accessed by the residents and the general public. ▪ Roads do not operate as through-traffic routes for externally generated traffic, while limiting the length of time local drivers need to spend in a low-speed environment. ▪ Roads and lots are located so that dwellings are not subject to unacceptable levels of traffic noise. ▪ Carriageway widths and road lengths optimise the cost effectiveness of the road network.

4.9.3 Pedestrian and Cyclist Facilities

Performance standard	Specific control
To encourage walking and cycling by providing safe, convenient and legible movement networks to points of attraction within and beyond the site.	<ul style="list-style-type: none"> ▪ Footpaths and/or cycle paths. ▪ A pedestrian (only) footpath, where required, is 1.2 metres wide and has a maximum grade of 15 per cent. ▪ Cycle paths and footpaths are constructed of stabilised crushed rock or boardwalk.

4.10 Stormwater Management

The major drainage system consists of the arrangement of streams, floodways, retarding basins, and open areas. It should be designed to protect people and indoor property from the effects of an extreme flood with an average recurrence interval (ARI) of 100 years (i.e. the 1% probability flood).

The minor drainage system consists of the arrangement of roadside channels, swales, sumps and underground pipes. It should fully contain and convey a design flow of specified frequency (e.g.

ARI = 2 years) within the major system. The minor drainage system operates to control “nuisance” flows which occur on a day-to-day basis.

The broad objectives of drainage design are therefore to:

- provide safety for the public in major storm events;
- protect property from damage by flooding;
- provide for the safe passage of minor floods and minimise the inconvenience they cause the public
- improve amenity through maintenance of natural drainage lines;
- ensure cost effectiveness in construction and maintenance of storm drainage works.

4.10.1 Storm Drainage

Performance standard	Specific control
<p>To provide major and minor drainage systems which adequately protect people and the natural and built environments in a cost effective manner, and which contribute positively to environmental enhancement.</p>	<p>Major system</p> <ul style="list-style-type: none"> ▪ The design and construction of the major storm drainage system are in accordance with the general requirements of the Byron Shire Council. ▪ The major system has the capacity to safely convey stormwater flows under normal operating conditions and partial minor system blockage for ARI = 100 years. ▪ The major system design is based on the provisions of Australian Rainfall and Run-off. ▪ Habitable rooms have freeboard above the ARI = 100 years flood level of 500 mm ▪ Floodways are developed such that there is a low risk of property damage. ▪ The major system is designed to ensure that there are no flow paths which would increase risk to public safety and property. <p>Minor System</p> <ul style="list-style-type: none"> ▪ The rainfall intensity derived for the area in which the design is proposed, is based on ARI = 2 years. ▪ Drainage networks are well defined to ensure there are no hidden flow paths which could reduce their capacity to convey design flows. ▪ The minor system design minimises undesirable ponding for a prolonged period resulting from the relevant design storm. ▪ The minor system allows for the safe passage of vehicles at reduced operating speeds on streets which have been affected by run-off from an ARI = 2 years storm event. ▪ Where swale drains on access streets are

Performance standard	Specific control
	<p>used, ponding for greater than 1 hour after cessation of rainfall is unlikely and the turf used is resistant to scour and erosion, and tolerant to submersion when operating flow velocities are less than 1.5 m/s.</p> <p>Site drainage</p> <ul style="list-style-type: none"> ▪ Provision is made for on-site drainage which does not cause damage or nuisance flows to adjoining properties.

4.10.2 Water Quality Management

Performance standard	Specific control
<p>To provide water quality management systems which ensure that disturbance to natural stream systems is minimised and stormwater discharge to surface and underground receiving waters, both during construction and in developed catchments, does not degrade the quality of water in the receiving domains.</p>	<ul style="list-style-type: none"> ▪ Sewage overflows into the stormwater system are prevented. ▪ Point sources of pollution in the catchment should be identified and their impact minimised until they can be eliminated. ▪ The design and proposed implementation of the water quality control system are in accordance with the Byron Shire Water Quality Management Plan. ▪ The design of the water pollution minimisation system is undertaken and certified by properly qualified personnel using recognised and locally accepted hydrological, hydraulic, hydrogeological, soils, water quality and biological data and design methodologies. ▪ Water pollution control ponds or wetlands should be developed (where appropriate) for final treatment before discharge to the wider environment and should be sited to minimise impacts on the natural environment.

4.10.3 Stormwater Harvesting

Performance standard	Specific control
<p>To develop the resource potential of stormwater to supply all water uses.</p>	<ul style="list-style-type: none"> ▪ Minimum 45,000 litre roof rainwater tanks per lot. ▪ Use of first flush water diversion systems on all rainwater roof capture systems to maximise the quality of water captured for potable supplies ▪ Run-off from roofs and/or paved surfaces which has been filtered may be passed to surface storage devices for slow release into the surrounding soil mass for take-up in the root zone of trees and shrubs.

4.11 Community or Neighbourhood Management

The management statement must include by-laws, plans and other particulars about:

1. The location, control, management, use and maintenance of any part of the neighbourhood property that is a roadway, including public access and maintenance of public transport stop,
2. Maintenance of bushfire management trails, APZ's and equipment,
3. The control, management, use and maintenance of any other part of the neighbourhood property, including any special facilities provided on the community property. This shall include, for example, environmental management of the scheme,
4. Matters affecting the provision of, and payment for, internal fencing on the community or neighbourhood scheme,
5. The storage and collection of garbage,
6. The maintenance of water, sewerage, drainage, gas, electricity, telephone and other services,
7. Insurance of the community or neighbourhood property, including public liability and damage and destruction insurance,
8. The executive committee and its office bearers and functions,
9. Meetings of the executive committee,
10. Voting on motions by the executive committee,
11. Keeping records of the executive committee,
12. Safety and security measures,
13. The prohibition on the keeping of dogs and cats and management of other of pets,
14. Obligations not to interfere with the quiet enjoyment of another lot or community or neighbourhood property,
15. Control of unacceptable noise levels,
16. Details of any business or trading activity to be carried on by the Association and the method of distributing and sharing any profit or loss,
17. The control or preservation of the essence or theme of the development under the scheme,
18. Architectural and landscaping guidelines to be observed by all lot owners,
19. Any agreements entered into for the provision of services or recreational facilities.

The Association must prescribe an environmental policy that binds every one including: the Association; each proprietor or occupier of a Lot; each mortgagee in possession of a Lot; and each lessee of a Lot. The Association may from time to time add to or alter its environmental policy. The minimum environmental policy must address:

1. Architectural standards
2. Landscape standards
3. Maintenance of bushfire APZ's
4. All residential buildings on the site must have at least a 4.5 star NatHERS design standard and must comply with BASIX legislation
5. All premises shall install AAA water rated appliances and have a bushfire service fitting applied to any domestic water supply tank.
6. Maximising the use of energy efficient appliances (5 star energy ratings)
7. The procedure for architectural standard "sign-off by a peer review architect"
8. Management of the audit for hazardous or potentially hazardous activities
9. Policy in relation to the keeping of stock
10. Ensuring that those who reside at the property are "inducted" in relation to the various bylaws, policies and responsibilities relevant to an occupier
11. Managing the "spill effect" of lights and motor vehicle headlights
12. Maintaining contemporary documentation with respect to specific environmentally sustainable materials able to be used at the site
13. Policies in relation to wood fire heating and air pollution abatement technology
14. Long term management of the weed removal program and environmental repair program
15. Servicing confirmation agreements with Statutory Authorities

Despite any contrary provisions contained in this Management Statement nothing shall result:

- (a) The rights and privileges which the Byron Shire Council, its agents, servants and workers
- (b) The rights and privileges which Country Energy or other electricity supplier, its agents, servants and workers are entitled to exercise; and
- (c) The rights and privileges which Telstra and/or Optus or other telecommunications supplier, their agents, servants and workers are entitled to exercise; and
- (d) The obligations imposed on the proprietors of land within the Neighbourhood Scheme.

APPENDIX A

Species list for Revegetation

Subtropical rainforest on hill slopes	
<i>Acmena hemilampra</i>	Broad-leaved Lilly Pilly
<i>Acmena smithii</i>	Lilly Pilly
<i>Archontophoenix cunninghamiana</i>	Bangalow Palm
<i>Cordyline congesta</i>	Palm Lily
<i>Cordyline petiolaris</i>	Broad-leaved Palm Lily
<i>Cordyline rubra</i>	Palm Lily
<i>Cupaniopsis anacardioides</i>	Tuckeroo
<i>Cyathea australis</i>	Rough Tree Fern
<i>Cyathea cooperi</i>	Straw Tree Fern
<i>Elaeocarpus obovatus</i>	Hard Quandong
<i>Elaeocarpus reticulatus</i>	Blueberry Ash
<i>Endiandra discolour</i>	Rose Walnut
<i>Ficus coronata</i>	Creek Sandpaper Fig
<i>Ficus fraseri</i>	Sandpaper Fig
<i>Ficus oblique</i>	Small-leaved Fig
<i>Ficus virens</i>	White Fig
<i>Ficus watkinsiana</i>	Strangling Fig
<i>Flindersia australis</i>	Australian Teak
<i>Flindersia schottiana</i>	Cudgerie
<i>Flindersia xanthoxyla</i>	Yellowwood
<i>Livistona australis</i>	Cabbage Palm
<i>Melaleuca quinquenervia</i>	Paperbark
<i>Melicope elleryana</i>	Pink-flowered Doughwood
<i>Mischocarpus pyriformis</i>	Woody Pear-fruit
<i>Pittosporum revolutum</i>	Hairy Pittosporum
<i>Pittosporum undulatum</i>	Pittosporum
<i>Polyscias elegans</i>	Silver Basswood
<i>Rhodomyrtus psidioides</i>	Native Guava
<i>Synoum glandulosum</i>	Scentless Rosewood
<i>Syzygium luehmanii</i>	Riberry
<i>Syzygium oleosum</i>	Blue Lilly Pilly
<i>Waterhousea floribunda</i>	Weeping Lilly Pilly
Swamp Sclerophyll Forest-Rainforest (on low-lying flats)	
<i>Archontophoenix cunninghamiana</i>	Bangalow Palm
<i>Callistemon salignus</i>	Pink-tipped Bottlebrush
<i>Corymbia intermedia</i>	Pink Bloodwood
<i>Elaeocarpus reticulatus</i>	Blueberry Ash
<i>Eucalyptus resinifera</i>	Red Mahogany
<i>Lophostemon suaveolens</i>	Swamp Box
<i>Melaleuca quinquenervia</i>	Paperbark
<i>Melicope elleryana</i>	Pink-flowered Doughwood
Riparian Rainforest (along the main creekline)	
<i>Araucaria cunninghamii</i>	Hoop Pine
<i>Elaeocarpus reticulatus</i>	Blueberry Ash
<i>Ficus coronata</i>	Creek Sandpaper Fig
<i>Ficus macrophylla</i>	Moreton Bay Fig
<i>Ficus obliqua</i>	Small-leaved Fig

<i>Ficus superba</i>	Deciduous Fig
<i>Ficus watkinsiana</i>	Strangling Fig
<i>Gahnia clarkei</i>	Tall saw sedge
<i>Lomandra longifolia</i>	Mat Rush
<i>Melaleuca quinquenervia</i>	Paperbark
<i>Syzygium luehmannii</i>	Riberry
<i>Waterhousea floribunda</i>	Weeping Lilly Pilly

APPENDIX B**ENVIRONMENTAL WEEDS**

Common garden plants which are Environmental Weeds not to be used in landscaping or garden planting.

Environmental Weeds to be listed in the Community or Neighbourhood Management Statement

Common garden plants that are Environmental Weeds

Crabs Eye Creeper	<i>Abrus precatorius</i>
Golden Willow Wattle	<i>Acacia saligna</i>
Century Plant	<i>Agave</i> sp.
Tree of Heaven	<i>Ailanthus altissima</i>
Elephant Ears	<i>Alocasius aroides</i>
Aloe	<i>Aloe</i> sp.
Cardamom Ginger	<i>Alpinia calcarate</i>
Madeira Vine	<i>Anredera cordifolia</i>
Moth Vine	<i>Araujia hortorum</i>
Ardisia	<i>Ardisia crenata</i>
Cocos Palm	<i>Arecastrum romanzoffianum</i>
Dutchman's Pipe	<i>Aristolochia elegans</i>
Dutchman's Pipe	<i>Aristolochia littoralis</i>
Bridal Creeper	<i>Asparagus asparagoides</i>
Climbing Asparagus	<i>Asparagus plumosus</i>
Running Bamboo	<i>Bambusa</i> spp.
Mother of Millions	<i>Bryophyllum daigremontiana</i>
Resurrection Plant	<i>Bryophyllum pinnatum</i>
Mother of Millions	<i>Bryophyllum</i> spp.
Butterfly Bush	<i>Buddleja davidii</i>
Butterfly Bush	<i>Buddleja madagascarensis</i>
Thorny Poinciana	<i>Caesalpinia decapetala</i>
Canna Lily	<i>Canna indica</i>
Balloon Vine	<i>Cardiospermum grandiflorum</i>
Celtis	<i>Celtis sinensis</i>
Orange Cestrum	<i>Cestrum aurantiacum</i>
Lady of the Night	<i>Cestrum nocturnum</i>
Green Cestrum	<i>Cestrum parqui</i>
Cocrosmia	<i>Cocrosmia x cocrosmia</i>
Coffee	<i>Coffea Arabica</i>
Hairy Commelina	<i>Commelina benghalensis</i>
Cotoneaster	<i>Cotoneaster</i> spp.
Cuphea	<i>Cuphea carthagenensis</i>
Cape Ivy	<i>Delairea odorata</i>
Shasta Daisy	<i>Dendranthema maxima</i>
Aerial Yam	<i>Dioscorea bulbiferum</i>
Duranta	<i>Duranta repens</i>
Crucifix Orchid	<i>Epidendrum</i> sp
Loquat	<i>Eriobotrya japonica</i>
Cockspur Coral Tree	<i>Erythrina crista-galli</i>
Orange Coral Tree	<i>Erythrina nigra</i>
Coral Tree	<i>Erythrina x sykesii</i>
Cadaghi	<i>Eucalyptus torrelliana</i>
Dombeya	<i>Eugenia dombeya</i>
Brazilian Cherry	<i>Eugenia uniflora</i>

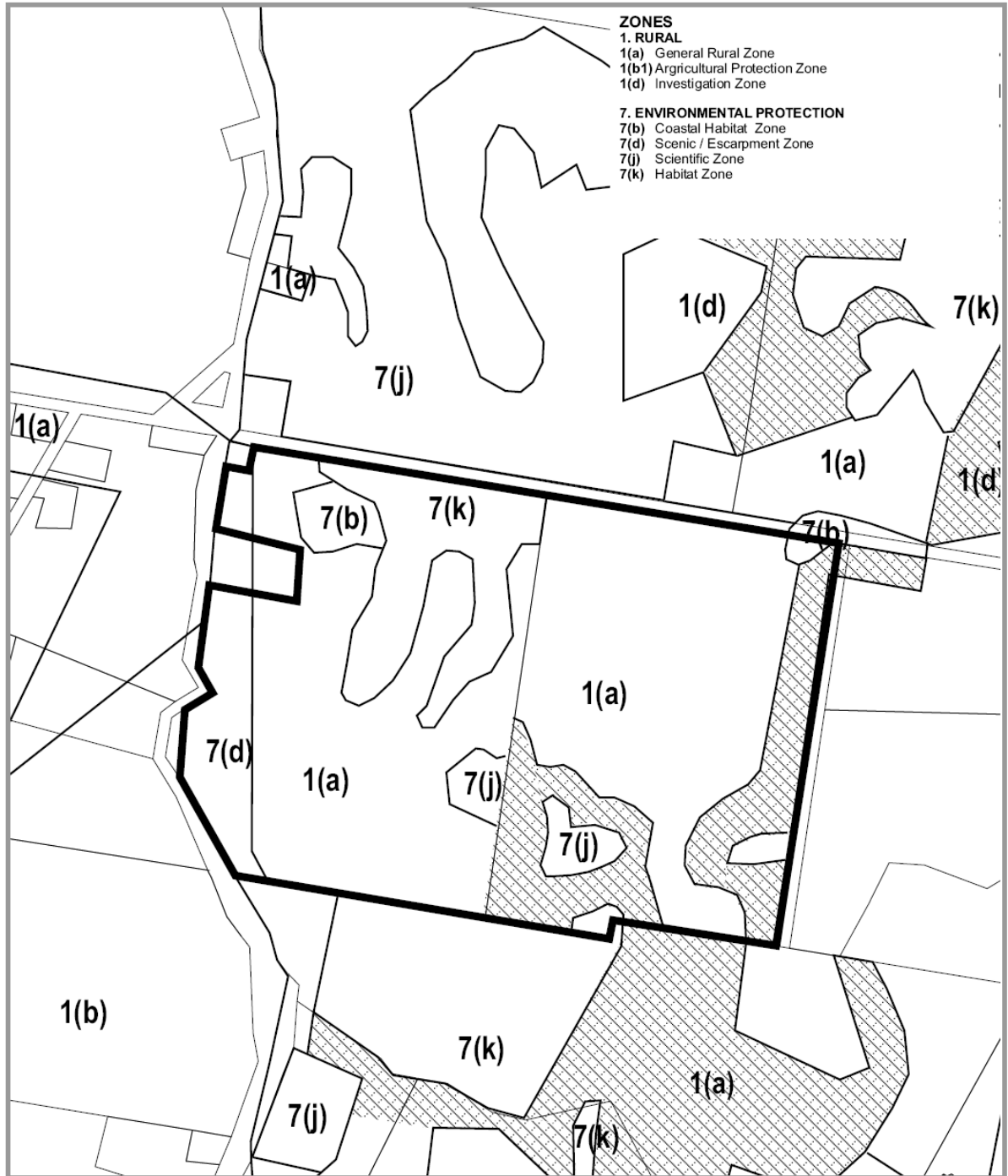
Climbing Fig	<i>Ficus pumila</i>
Honey Locust	<i>Gleditsia triacanthos</i>
Gloriosa Lily	<i>Gloriosa superba</i>
White Ginger	<i>Hedychium coronarium</i>
Pink-flowered Ginger	<i>Hedychium coxinium</i>
Kahili Ginger	<i>Hedychium gardnerianum.</i>
White-flowered Ginger	<i>Hedychium spicatum</i>
Glush Weed	<i>Hygrophila costata</i>
Freckle Face	<i>Hypoestes sanguinolenta</i>
Balsam, Busy Lizzie	<i>Impatiens walleriana</i>
Ice cream Bean	<i>Inga spp</i>
Moon Flower	<i>Ipomoea alba</i>
Moon Flower	<i>Ipomoea bona-nox</i>
Coastal Morning Glory	<i>Ipomoea cairica</i>
Blue Morning Glory	<i>Ipomoea indica</i>
Purple Morning Glory	<i>Ipomoea purpurea</i>
Jasmine	<i>Jasminum polyanthum</i>
Chinese Golden Rain Tree	<i>Koelreuteria paniculata</i>
Lantana	<i>Lantana camara</i>
Formosum Lily	<i>Lilium formosum</i>
Leucena	<i>Leucena leucephala</i>
Honeysuckle	<i>Lonicera japonica</i>
Cats Claw Creeper	<i>Macfadyena unguis-cati</i>
Monstera	<i>Monstera deliciosa</i>
Murraya	<i>Murraya exotica</i>
Orange Jessamine	<i>Murraya paniculata</i> (seeding form)
Parrots Feather	<i>Myriophyllum aquaticum</i>
Florists Smilax	<i>Myrsiphyllum asparagoides</i>
Fish-bone Fern	<i>Nephrolepis cordifolia</i>
Fishbone Fern	<i>Nephrolepis exalta</i>
Ochna	<i>Ochna serrulate</i>
Olive	<i>Olea Africana</i>
Paulownia	<i>Paulownia fortunei</i>
Paulownia	<i>Paulownia tomentosa</i>
Barner Grass	<i>Pennisetum purpureum</i>
Fountain Grass	<i>Pennisetum setaceum</i>
Philodendron	<i>Philodendron sp.</i>
Slash Pine	<i>Pinus elliotii</i>
Radiata Pine	<i>Pinus radiata</i>
Asparagus Fern	<i>Protasparagus aethiopicus</i>
Asparagus Fern	<i>Protasparagus africanus</i>
Climbing Asparagus Fern	<i>Protasparagus plumosus</i>
Cherry Guava	<i>Psidium cattleianum</i>
Kudzu	<i>Pueraria lobata</i>
Orange Firethorn	<i>Pyracantha fortuneana</i>
Coral Berry	<i>Rivina humilis</i>
Black Locust	<i>Robinia pseudoacacia</i>
Mother-in-Law's Tongue	<i>Sansevieria trifasciata</i>
Umbrella Palm	<i>Schefflera actinophylla</i>
Pepper Tree	<i>Schinus areira</i>
Broad-leaf Pepper Tree	<i>Schinus terebinthifolius</i>
Schizolobium	<i>Schizolobium parahibum</i>
Cape Ivy	<i>Senecio mikanioides</i>
Winter Senna	<i>Senna pendula var. glabrata</i>

Smooth Cassia	<i>Senna floribunda</i>
Cocos Palm	<i>Syagrus romanzoffianum</i>
Golden Trumpet Tree	<i>Tabebuia chrysantha</i>
Yellow Bells	<i>Tecoma stans</i>
Black-eyed Susan	<i>Thunbergia alata</i>
Blue Sky Flower	<i>Thunbergia grandiflora</i>
Japanese Sun Flower	<i>Tithonia diversifolia</i>
Rhus tree	<i>Toxicodendron succedaneum</i>
Wandering Dew	<i>Tradescantia albiflora</i>
Wandering Dew	<i>Tradescantia fluminensis</i>
Striped Wandering Dew	<i>Tradescantia zebrina</i>
Chinese Tallow	<i>Triadica sebifera</i>
Blue Periwinkle	<i>Vinca major</i>
Watsonia	<i>Watsonia bulbiflora</i>
Bulbil Watsonia	<i>Watsonia meriana</i>
Singapore Daisy.	<i>Wedelia</i> sp
Arum Lily	<i>Zantedeschia aethiopica</i>
Striped Wandering Dew	<i>Zebrina pendula</i>
Plants which are not identified as environmental weeds but will not be grown in proximity to regeneration areas and will be carefully monitored. No disposal of cuttings or clippings of <u>any</u> exotic species will be permitted on the property except by a contained composting system.	
Bougainvillea	<i>Bougainvillea</i> sp.
Frangipani	<i>Plumeria</i> sp.
Jacaranda	<i>Jacaranda mimosifolia</i>
Hibiscus	<i>Hibiscus</i> sp.
Jaboticaba	<i>Eugenia jaboticaba</i>
White Sapote	<i>Casimiroa edulis</i>
Passionfruit	<i>Passiflora edulis</i>
Environmental weeds that are not usually grown as garden plants	
Camphor Laurel	<i>Cinnamomum camphora</i>
Crofton Weed	<i>Ageratina adenophora</i>
Bitou Bush	<i>Chrysanthemoides monilifera</i> ssp. <i>rotundata</i>
Groundsel	<i>Baccharis halimifolia</i>
Large-leaved Privet	<i>Ligustrum lucidum</i>
Lantana	<i>Lantana camara</i>
Mist Weed	<i>Ageratina riparia</i>
Ragweed	<i>Ambrosia artemisiifolia</i>
Red-Head Cotton Bush	<i>Asclepias curassavica</i>
Small-leaved Privet	<i>Ligustrum sinense</i>
Winter Senna	<i>Senna pendula</i> var. <i>glabrata</i>
Woolly Rattlepod	<i>Crotalaria incana</i> ssp. <i>incana</i>

APPENDIX C – Plans

Bruce Blackford with  s j connelly pty limited

Byron Shire Development Control Plan No 17
- Broken Head





 Source: Byron LEP 1988
 Date: June 2003
 SJC01006077

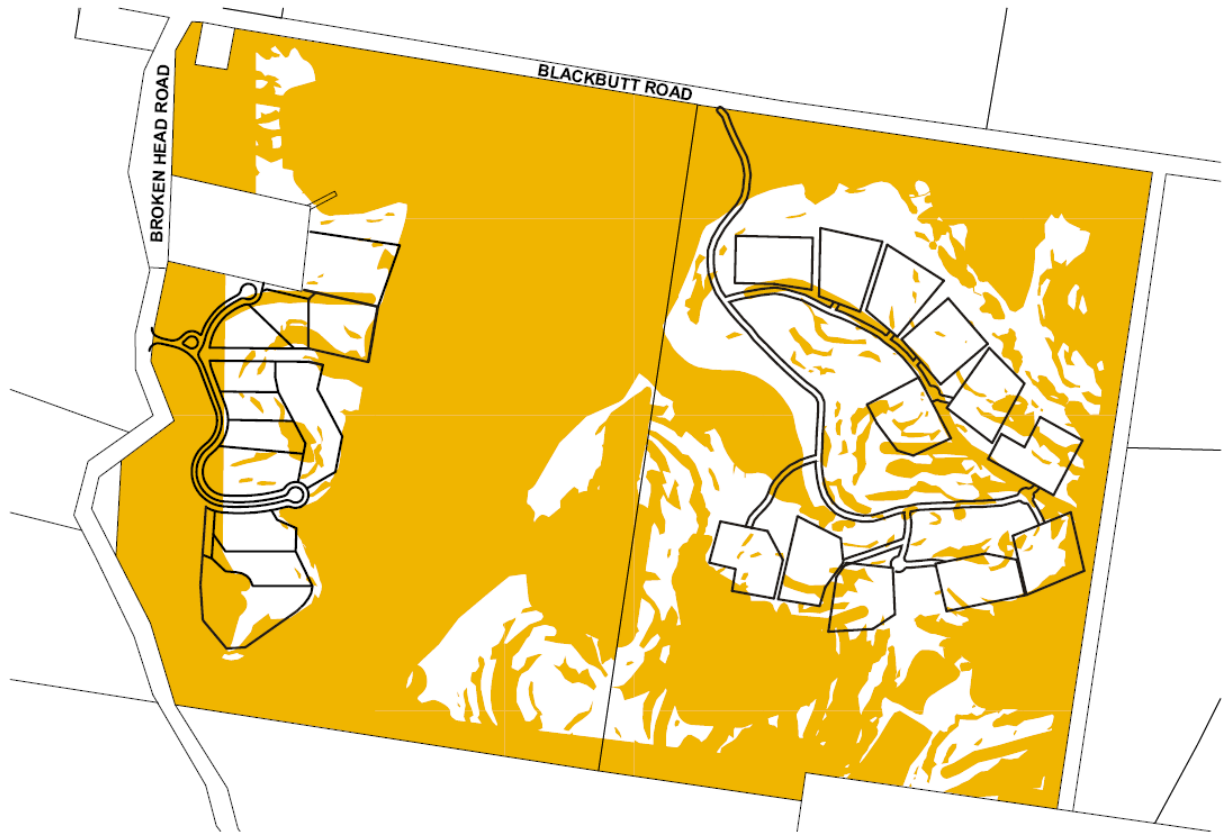
P4.1

DCP AREA & LEP ZONES

••••

LEGEND

 Constrained Land



Source: S J Connelly Pty Ltd
and Bruce Blackford
Date: October 2004
SJC01006282A 26/5/5

P4.2A

CONSTRAINTS



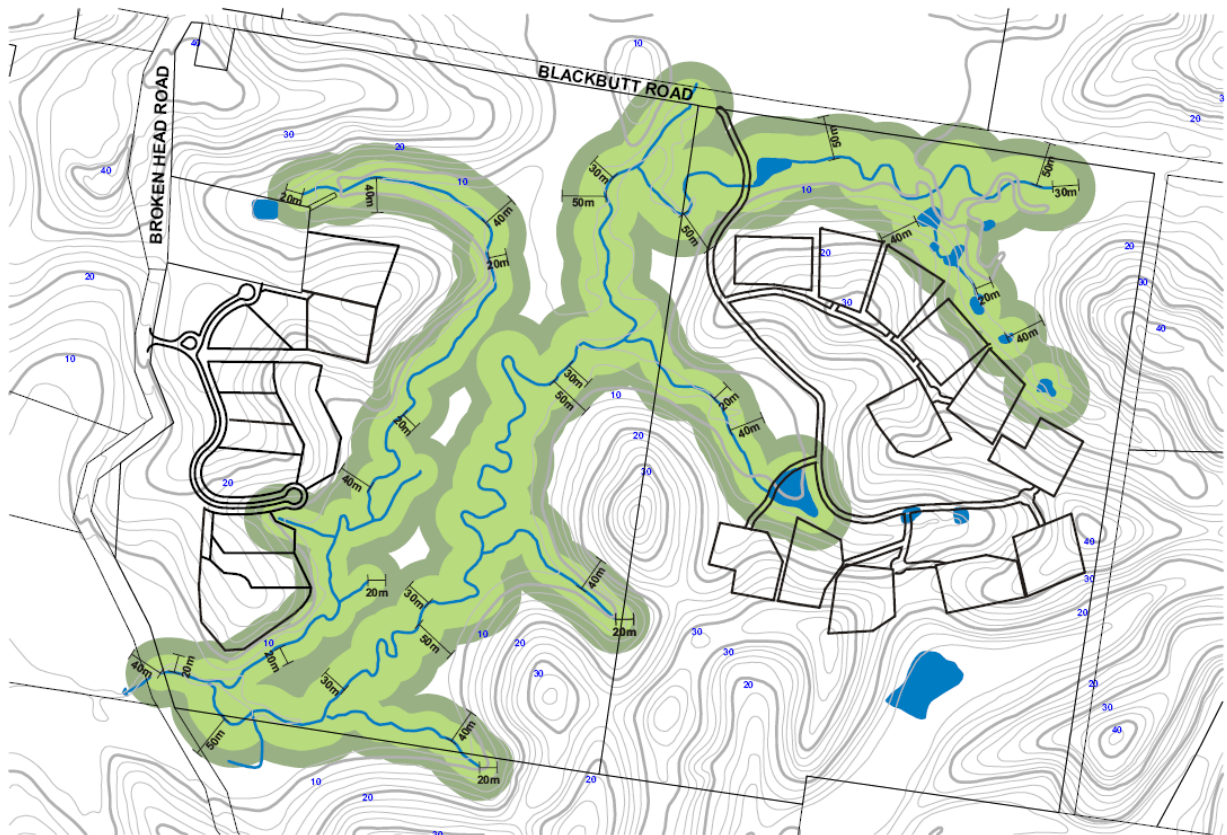
-  Existing vegetation
-  Environmental Repair
-  50m Buffer from Lot Boundary
-  Environmental Protection Zone Boundaries - 7(j), 7(k) and 7(b)
-  50m Buffer from Environmental Protection Zones




Source: S J Connolly Pty Ltd
and Bruce Blackford
Date: May 2005
SIC01006983 a

P4.3A
REVEGETATION






0 250m
Source: S J Connolly Pty Ltd
and Bruce Blackford
Date: May 2005
SJC0100624A

P4.4A
REIPARIAN ZONES



LEGEND

-  Local Roads
-  Fire Trails
-  Driveways



Source: S J Connelly Pty Ltd
and Bruce Blackford
Date: May 2005
SJC01006285A

P4.5A
ROAD HIERARCHY



Chapter 20:

Bayshore Village
Byron Bay

Document History

Doc No.	Date Amended	Details Comments eg Resolution No.
#750079	Adopted 13 March 2008 Effective 20 March 2008	Res 08-101
#750079	14 October 2010	Res 10-696 - to create Draft DCP 2010 for public exhibition
#1018832		Draft DCP 2010 Chapter 20 (public exhibition copy)
#1072818	14 March 2011	Adopted Res 11-169 : format changes applied.

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1 INTRODUCTION

1.1 Title of this Chapter

This Plan is called Byron Shire Development Control Plan Chapter No. 20 – Bayshore Village, Byron Bay. It is a Development Control Plan prepared in accordance with Section 74C of the Environmental Planning and Assessment Act, 1979, as amended.

1.2 Where this Chapter applies

This Chapter applies to the land defined by a heavy black line on Map 1 – DCP Area. The land is known as Bayshore Village, and identified as Lot 3 DP 1004514. It is bounded by the Byron Bay Arts and Industry Estate to the south, the West Byron Sewage Treatment Plant to the west, regenerating heathland, shrubland and low woodland to the north, and the Sunrise Beach residential estate to the east.

1.3 Objectives of this Chapter

The primary purpose of this Chapter is to provide standards for the future development of the subject land. To assist in this regard, the objectives of this Chapter are to:

- promote and implement principles of sustainability identified in the Byron LEP 1988 in the planning, development and management of the site;
- contribute to the implementation of the Byron Shire Affordable Housing Strategy for Urban Areas, the Byron Biodiversity Conservation Strategy, the Byron Shire Cultural Policy, and the Byron Shire Social Plan;
- define an appropriate mix and density of residential, light industrial and commercial development on parts of the site;
- enhance and protect the bio-physical environment, particularly the Wallum vegetation and wildlife habitat adjacent to the site;
- enhance and protect ground and surface water quality and hydrology;
- ensure that the siting, scale and intensity of development enhances and protects Byron Bay's social and cultural qualities by:
 - responding to local and regional values, community needs and aspirations;
 - reflecting Byron Bay's character and scale;
 - ensuring that development of the site contributes to the range of services available and the identity of West Byron; and
 - ensuring that site access does not compromise the amenity or safety of adjacent residential areas.

1.4 How this Chapter works

This Chapter provides information to support general principles for development as well as more detailed controls for future development of the subject land. It contains the following Parts:

Part 1 Introduction

This part contains the legal requirements for the preparation of the chapter and the relationship between this Chapter and other planning documents.

Part 2 Desired Future Character and Intensity of Development

This part outlines a Desired Future Character for the site and establishes development principles which serve as a foundation for this Chapter. A precinct plan is provided, which establishes the major bio-physical elements that make up Bayshore Village and provides a strategic planning tool for achieving its future development.

Part 3 Design and Development Controls

This part provides general development and building design controls, based on a number of relevant environmental themes and constraints, along with provisions for sustainable development, amenity, access, parking and servicing.

Part 4 Definitions

This section explains terms used in this Chapter.

1.5 Relationship with other chapters

The information contained in this Chapter is to be read in conjunction with Byron Local Environmental Plan 1988 and other relevant Environmental Planning Instruments. Statutory planning instruments prevail over this chapter in respect to any inconsistency.

This Chapter shall also be read in conjunction with Chapter 1 and Chapter 15 – Industrial Development. In the event of any inconsistency between this Chapter and Chapter 1 or Chapter 15, this Chapter shall prevail.

Those aspects of Chapter 1 and 15 superseded by this Chapter are described in Table 1.1 below.

Table 1.1 Relationship with other Chapters

Other Chapters that do not apply to the Subject Site	Section where element is dealt with in this Chapter
<i>DCP 2010 – Chapter 1</i>	
PART B - SUBDIVISION	
B5. Urban Subdivision	
B5.1 Element – Lot Size	3.6
B6 Roads – Road Design and Construction	3.7
PART C – RESIDENTIAL	
C2. General Provisions	
C2.5 Element – Building Plane	3.4
C2.6 Element – Setback from Street Side and Rear Boundaries	3.2
C2.7 Element – Extent of Earthworks	3.9
C5 Dual Occupancy	
C5.1 Element – On-site Car Parking	3.3
C5.5 Element – Private Open Space	3.5
C7 Medium Density and Residential Flat Buildings	
C7.1 Element – Density Control	3.2
C7.2 Element – Dwelling Densities in Byron Bay and	3.2

Other Chapters that do not apply to the Subject Site	Section where element is dealt with in this Chapter
Suffolk Park	
C7.3 Element – Private Open Space and Courtyards	3.2
C7.4 Element – Open Space Balcony	3.5
C7.5 Element –Landscaped area	3.5
C7.6 Element – On-site Parking	3.3
C14. Studios	3.2
PART D – COMMERCIAL DEVELOPMENT	
D2 Requirements for Commercial Development	
D2.3 Element –Parking	3.3
D2.5 Element – Setback from Street	3.2
PART G –VEHICLE CIRCULATION AND PARKING	
G2 Development Standards	
G2.1 Element –Parking Schedules	3.3
PART H –LANDSCAPING	
H4 Residential Unit Development	
H4.1 Element – Parking Schedules	3.3
Chapter No. 15 – Industrial Development	
Minimum Allotment Sizes	3.6
Building Lines	3.2
Carparking, Access, Loading and Unloading Facilities	3.3
Landscaping	3.5

Notwithstanding any provisions of this Code, Council may consider a variation for an individual application, provided that a written statement specifying the grounds for such non-compliance with this code is submitted. Council will only consider a variation where it is warranted by special circumstances, where the design of the proposed development is of a superior standard and where in Council's opinion the stated objectives of the code and the particular standard are achieved.

2 DESIRED FUTURE CHARACTER AND DEVELOPMENT PRINCIPLES

2.1 Statement of desired future character

Bayshore Village provides a vibrant and sustainable urban environment, which enhances social equity, economic vitality, environmental performance and sustainability, and cultural expression within the Byron Bay community.

It provides a wide range of housing and employment choice and has strong connections to nearby shops, industry, town services, facilities and transport corridors.

A mix of housing types and small scale creative enterprises contribute to the neighbourhood's vitality and the town's identity. Dwelling types reflect the household profile of Byron Bay. Smaller dwellings and multiple dwelling types cater for Byron's higher than average proportion of group households and lone person households. Integrated work and living spaces provide affordable and flexible opportunities for small scale businesses. Commercial ventures provide for local employment, creative industries and an outlet for goods and services produced on the site.

Land is used efficiently and energy and water use is minimised. The community actively contributes to the enhancement and maintenance of important habitats on adjoining land. Buffers are provided to these adjoining habitats, and to bushfire hazards and the West Byron Sewage Treatment Plant. Edges are well defined, the public domain is safe and permeable and amenity is fostered by transitions between uses and by integrated site planning.

2.2 Planning Principles

The desired future character reflects the following planning principles:

Social Equity

- enables the co-location of uses to provide housing close to employment opportunities while ensuring potential conflict between the different land uses is minimised;
- provides a range of low cost live / work solutions that will enable creative artisans/business people to establish an economically achievable base; and
- includes a mix of housing, ownership patterns, price and building types for a diverse community.

Economic Vitality

- provides a mix of employment opportunities with particular emphasis on Creative Industries;
- facilitates a density of development (with amenity) which makes cost effective use of scarce land; and
- embraces the concept of shared opportunities and synergies within the surrounding neighbourhood, which contributes to overall efficiencies.

Environmental Performance

- facilitates a smaller environmental footprint than traditional suburban development;
- utilises a site sensitive approach which provides filters and buffers protecting the ecological values of adjoining lands;
- provides for habitat enhancement that integrate with work previously undertaken on adjoining land to restore significant new wetland habitat; and
- incorporates the treatment, recycling and reuse of stormwater.

Cultural Expression

- encourages a clustering of artistic and lifestyle based small scale industries; and
- promotes the cultural identity of the area by building upon the commercial / services and industrial base in the surrounding neighbourhood.

2.3 Achieving the desired future character

This Chapter aims to achieve the Desired Future Character of the site as described in Section 2.1 by:

- providing a Precinct Plan for the major elements of Bayshore Village (refer to Map 2);
- specifying Principles that must apply to development of the site;
- specifying objectives, performance criteria and prescriptive measures for a number of environmental elements relevant to the future development of Bayshore Village; and
- specifying ecological enhancement measures that are to be undertaken in adjoining habitats.

2.4 Precinct plan

The Bayshore Village Precinct Plan (Map 2) identifies the major bio-physical elements that will make up the structure of the developed site. These elements include:

- Major entries / exits;
- Internal access connections;
- Land use 'precincts', including:
 - Precinct 1 - Residential – two, three and four bedroom detached dwellings, each including an associated one bedroom dwelling and home offices / workspaces
 - Precinct 2 - light industrial area
 - Precinct 3 - 'live / work' areas
 - Precinct 4 - mixed use, commercial / office / living area
 - Precinct 5 - ecological enhancement

The Precinct Plan provides a framework for development in Bayshore Village. It will assist developers and designers to obtain an understanding of the context for their proposed development.

Major entries / exits

The major entries / exits for Bayshore Village will be from the West Byron STP access road, at the northern frontage of the site. Entry-only service access and entry-only access to car parking areas within the site will be from Bayshore Drive, at the eastern frontage of the site.

Precinct 1: Residential Area

The overriding aim of this Precinct is to achieve low-rise building forms that are 'environmentally-friendly' and that reflect the Byron Bay style. Building forms range from detached one bedroom dwellings to 3-4 bedroom detached dwellings providing a variety of options to suit household size and needs.

Precinct 2: Light Industry area

The light industry area is predominantly located in the part of the site zoned 4(a) Industrial Zone, allowing connectivity to the 'live / work' workspaces. Flexible floor space arrangements will allow for a variety of usage options, with an emphasis on creative industries.

Precinct 3: Live / work area

The live / work workspaces and self-contained accommodation for those that wish to live and work from home, in an environment that is supportive of creative pursuits.

Precinct 4: Mixed use area

This area provides for a mix of commercial, retail and living spaces that are well connected to other areas within Bayshore Village via a common area in the middle of the precinct. Many of the individual uses in this precinct will be linked to the creative endeavours undertaken in the live / work and light industrial parts of Bayshore Village.

Precinct 5: Ecological Enhancement

Existing low lying areas or swales on adjoining lands will be extended and revegetated with sedgeland and wet heathland plant species of local provenance to improve wetland habitats and increase important habitat components for local fauna species, particularly the Wallum frogs (Wallum Sedge frog, *Litoria olongburensis*, Wallum froglet *Crinia tinnula*). Appropriate restrictions on the title of the property (Lot 3) will ensure that the community will continue to contribute to the maintenance of these important Wallum frog habitats.

3 DESIGN AND DEVELOPMENT CONTROLS

3.1 Introduction

This part of the Chapter contains a range of controls, structured around a number of elements which reflect environmental and design aspects of the future development of Bayshore Village. For each Element, there are Objectives, Performance Criteria and Prescriptive Measures. Together, these controls provide the framework against which applications for development will be assessed.

3.2 Element – Land Use, Management and Environmental Assessment

Background

A key characteristic of villages is the mix of uses that occur throughout them. Mixing uses facilitates a vibrant and safe environment by day and by night. The close proximity of workplaces and housing reduces travel distances and creates affordable and accessible urban environments. The economic viability of the development is supported over its life cycle by the provision of both housing and productive uses. Provision of a variety of housing types and configurations supports a diversity of households and reflects local demands for differentiated and affordable housing options.

When Bayshore Village was originally zoned to 2(v) Village zone under the Byron LEP 1988, it was intended that the site be developed as an:

integrated work and living space environment promoting a range of innovative development opportunities suited to small scale business and production purposes, and community based activities; particularly those that focus on lifestyle, craft and artistic enterprise capable of expanding and generating employment (Council Report on draft LEP, 1989)

The site has a number of constraints which will require detailed environmental assessment as part of any future development application for the site. These constraints include proximity to the West Byron Sewerage Treatment Works and its primary access road, potential Acid Sulphate Soils, and various ecological constraints.

Element Objectives

1. To achieve the Desired Future Character for the site as defined by Section 2.1;
2. To facilitate the creation of a mixed use development with a diversity of housing and employment choice and optimum density that reflects the environmental capability of the site and the socio-economic and cultural context; and
3. To assess and mitigate any potential environmental impacts.

Performance Criteria

- i. Utilise the site and building layout to maximise the potential for acoustic privacy by providing adequate building separation within the development and from neighbouring buildings;
- ii. In Precinct 1, utilise front fences and walls to enable use of private open space abutting the West Byron Sewage Treatment Plant access road to provide an acoustic barrier to vehicle movements;
- iii. In mixed used development, ensure loading bays, garbage collection areas etc are located away from bedrooms and other quiet areas in the residential component;
- iv. Provide diverse dwelling types within Precincts 1, 3 & 4;
- v. Provide workspaces to be used for a home office or creative industry within Precinct 1; and
- vi. Allow for one-bedroom accommodation in association with workspaces.

Prescriptive Measures

Land Use and Density

- i. Distribute land uses across the site in accordance with the Precinct Plan (Map 2) and the consistent land uses and densities outlined in Table 3.1; and
- ii. Provide for a maximum of 82 dwellings within the site.

Table 3.1 Land Uses Consistent with Desired Future Character

Precinct	Consistent Land Uses	Maximum Densities
<p>1</p> <p>Residential</p> <p>Land Area: approximately 13,391 m²</p> <p>Built Gross Floor Area 6,500m²</p>	<p>Residential dwellings and dual occupancies</p> <p>Workspaces</p> <p>Creative Industries</p>	<p><u>Residential</u></p> <p>A maximum of 34 dwellings</p> <p>Dwellings to include one, two, three or four bedrooms,</p> <p>Up to and including 17 of the 34 dwellings may be provided as one-bedroom detached dwellings located in association with a larger (two, three or four bedroom) dwelling</p> <p><u>Workspaces</u></p> <p>Individual workspaces may be provided in association with either the 1 bedroom dwellings or the larger dwellings</p> <p>Individual workspaces in Precinct 1 should not exceed 50m² in floor area</p>
<p>2</p> <p>Light Industry</p> <p>Land Area: approximately 4,570 m²</p> <p>Built Gross Floor Area 3,500m²</p>	<p>Creative or light industry, with shared common area, amenities and café facilities</p>	<p>A maximum total light industrial floor space of 3,500m²</p>
<p>3</p> <p>Live / Work</p> <p>Land Area: approximately 3,768 m²</p> <p>Built Gross Floor Area 3,500m²</p>	<p>Residential dwellings</p> <p>Workspaces</p> <p>Creative Industries</p>	<p><u>Residential</u></p> <p>32 dwellings maximum</p> <p>One-bedroom dwellings only</p> <p>Each to be physically attached to an individual workspace</p> <p><u>Workspaces</u></p> <p>Average of 60m² floor area per dwelling</p> <p>Total maximum of 3,500m² floor area</p>
<p>4</p> <p>Mixed Use</p> <p>Land Area: approximately 10,844 m²</p> <p>Built Gross Floor Area 6,500m²</p>	<p>Retail, commercial, residential (only associated with a commercial use), café, health spa</p> <p>Community facilities, such as a multi purpose community building</p> <p>Common area including</p>	<p><u>Retail</u></p> <p>Maximum total floor space 2,400m²</p> <p><u>Commercial</u></p> <p>Maximum total floor space 2,400m²</p> <p><u>Residential</u></p> <p>A maximum of 16 residential units may be provided in this area, provided that each is attached to</p>

Precinct	Consistent Land Uses	Maximum Densities
	recreational facilities and pool	and integral with commercial uses <u>Café</u> Maximum floor space of 300m ² <u>Health Spa</u> Maximum floor space of 800m ² <u>Community / Recreational facilities</u> Minimum area of 125m ²
5 Ecological (Land Area Approximately 2,967m ²)	Ecological Enhancement	No buildings allowed

Setback

- iii. Provide setbacks within the development consistent with the minimum distances outlined in Table 3.2.

Table 3.2 Setbacks

Land Use	Minimum Setback	Distance (m)
Dwellings (Precinct 1)	External road	6
	Internal Lanes (indicative roads C and D on Map 2)	0m for laneway workspaces or garages; 3m for detached dwellings
	Other internal roads	3
	Adjoining buildings	0
Industrial (Precincts 2, 3)	External Property (lot) Boundary	20
	Internal roads	2
Mixed Use (Precinct 4)	Bayshore Drive:	7
	Sewage Treatment Plant access road:	4
	Internal Roads:	0

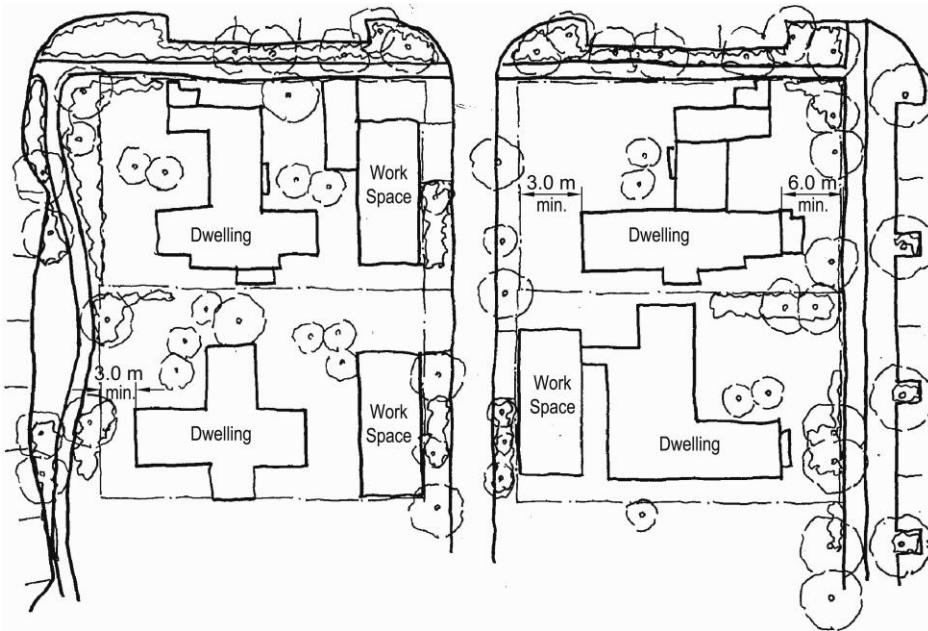


Figure 3.1 Indicative setback responses

Buffering

- iv. Provide a minimum of 20m setback between dwellings and the western and north-western site boundaries, where these adjoin the adjacent Wallowum frog habitats;
- v. Provide a minimum of 5m setback between dwellings and the internal boundary between Precincts 1 and 5, located in the north-western corner of the site;
- vi. For industrial uses within Precinct 2, provide a minimum of a 2 metre vegetated area between buildings and between buildings and internal road A (see Map 2); and
- vii. Provide buffering from the Byron Bay Sewerage Treatment Works in the form of a minimum 20m buffer along the north western boundary of the site (this acknowledges the buffer provided in the original subdivision of the land, by the creation of Lot 1 DP 1004514).

Environmental Assessment

- viii. The following environmental assessment reports must be prepared as part of any development application for the site:
 - Preliminary Acid Sulfate Soils Assessment;
 - Preliminary Contaminated Land Assessment ;
 - Preliminary Acoustic Report;
 - Preliminary Odour Assessment; and
 - Waste Management Strategy.

3.3 Element – Car Parking

Background

An integrated 'live/work' approach to development, characterized by the inclusion of workplaces in detached and attached residential dwellings, presents the opportunity for dual use of parking spaces, thereby reducing the overall parking demand of the proposed development.

Dual use of parking spaces occurs when the same parking space can serve more than one component of a development, such as where residents of living areas also operate businesses in the attached workplaces. In circumstances where the parking demand generated by residents is satisfied by parking provided to serve the living areas, there is no need to satisfy the parking demand generated by residents' use of the workplaces.

A mixed-use development also provides the potential for complementary use of parking spaces. This occurs when the peak parking demand of one component of the proposed development does not coincide with the peak parking demand of another.

Element Objectives

1. To provide sufficient parking to satisfy the needs of the proposed development taking into account the potential for dual and complementary use of parking spaces; and
2. To assist in achieving the Desired Future Character for the site as defined by Section 2.1 by minimising the total area of hard stand car parking within the site.

Performance Criteria

- i. Provide on-site parking appropriate to the needs of both residents and off-site workers, with consideration to potential for dual use and complimentary use of spaces;
- ii. *Dual Use Parking* - apply the concept of dual use parking, as described above, as appropriate to the nature of the proposed site development. In this regard it is not unreasonable to expect that the actual parking demand generated by the workplace floorspace in the commercial precinct (most notably the office floorspace), and in the industrial precinct, will be up to 30% less than the parking requirement which is calculated without regard to the duplication of parking provision which is a consequence of the integrated "live/work" approach to the development. It should be noted, however, that it is possible that not all of the workforce employed by businesses that occupy the workplaces incorporated in integrated 'live/work' components of a mixed use development will also be residents of that development. For example, a resident operating a business from a workplace could employ a non-resident/residents to assist in the operation of the business;
- iii. *Complimentary Use* - seek to reduce the total number of parking spaces associated with a mixed use development proposal by comparing peak demands of each use by time of day, day of the week, and season. Where the varied parking demand for proximate uses allows joint use of a single parking space or facility, a reduced number of spaces is strongly encouraged;
- iv. Located shared parking spaces to be convenient to all users;
- v. Provide non-residential parking on internal streets and accessways, providing that such parking does not affect the capacity of the internal access system to allow efficient internal movement of vehicles and pedestrians; and
- vi. Provide cycle racks within the common areas within the site, the majority of which should be covered.

Prescriptive Measures

- i. Provide on-site car parking in accordance with standards outlined in Table 3.3. Total provision of car parking to consider potential for *dual use* and *complimentary use*, as described above.

Table 3.3 Car Parking Standards

Type of Development	Minimum Car Parking Provision	Special Requirements
<i>Precinct One - Residential</i>		
large dwellings - 3 or 4 bedrooms	2 spaces per dwelling	<ul style="list-style-type: none"> ▪ 1 space must be capable of being covered (stacked car parking will not be acceptable)
small dwellings – 1 bedroom	1 space per dwelling	
visitor car parking	1 space per 4 dwellings	
Workspace	1 space per workspace	

Type of Development	Minimum Car Parking Provision	Special Requirements
delivery / service vehicles	1 space per 50 units	<ul style="list-style-type: none"> ▪ Visitor parking can be used if designed for dual use
Precinct Two – Light Industrial		
light industry	1 space per 40 m ² gross floor area x 70%	1 per cent of spaces to be provided for people with a disability
delivery / service vehicles	1 space per 800 m ² gross floor area	
Precinct Three – Live Work Area		
small dwellings (1 bedroom)	1.5 spaces per dwelling	1 per cent of spaces to be provided for people with a disability
visitor car parking	1 space per 4 dwellings	
Workspace	1 space per workspace	
delivery / service vehicles	1 space per 800 m ² gross floor area	
Precinct 4 – Mixed Use		
retail	1 space per 20 m ² gross floor area	1 per cent of spaces to be provided for people with a disability
office / professional rooms	1 space per 40m ² gross floor area x 70%	
spa	1 space per 20m ² gross floor area	
small dwellings (1 or 2 bedrooms)	1.5 spaces per dwelling	
large dwellings (3 or 4 bedrooms)	2 spaces per dwelling	
visitor car parking	1 space per 4 dwellings	
delivery / service vehicles	1 space per 400 m ²	

3.4 Element - Building Design

Background

The climate, coastal location and the evolving culture of Byron Bay has given rise to a 'Byron style' which can be characterised as informal, light weight construction and is referred to in this Chapter as the 'Byron vernacular'. Achieving the Byron vernacular will ensure that the site will be characterised by lush vegetation, open spaces and linked landscaped areas, sloping rooflines, timber and glass structures typical of the local Byron Bay style of lightweight construction and tropical appearance.

An opportunity exists for Bayshore Village to be an intense living and working environment of a considerably higher density than suburbia. Consequently, a high degree of detailed design resolution is required in the architecture and urban design.

The density proposed for the site means that the form and layout of each building needs to consider its relationship to its immediate neighbour and its context in the street. It means that the creation of identifiable and well defined space in the public domain is more important than the individual building and garden. Further, it means that gardens and the landscaping on private lots need to contribute to the public domain. The issue of overshadowing will also need to be carefully considered in any design for the site.

Building design should:

- reinforce the structure of the public domain;
- respond to climate and local 'Byron vernacular';
- ensure privacy and amenity are maintained;
- contribute to high environmental performance; and
- ensure an adequate level of solar access is provided to living areas.



Figure 3.2 Indicative examples of Byron vernacular

Element Objectives

1. To achieve the Desired Future Character for the site as defined by Section 2;
2. To ensure that buildings on the site reinforce the structure of the public domain, respond to climate and local 'Byron vernacular', ensure privacy and amenity are maintained, and contribute to high environmental performance; and
3. To ensure that residential development will not significantly:
 - a) Increase the overshadowing of adjoining properties; and
 - b) Ensure that occupants of buildings will enjoy the optimum use of winter sunlight and summer shade.

Performance Criteria

- i. Provide low-rise (two storey maximum) building forms that are in proportion to street trees;
- ii. Provide rear lane vehicular access to housing sites to facilitate a coherent, safe and visually pleasing streetscape and negate the need for private hard surfaced driveways;
- iii. Provide articulation and variety in building forms and utilise screening features to facilitate visual interest, privacy and energy efficiency;
- iv. Ensure that the width and internal layout of buildings facilitates natural cross ventilation;
- v. Design entrances so that they are a clearly identifiable element of the building in the street;

- vi. Utilise durable materials and finishes;
- vii. No roof must have a highly reflective surface; any metal roof must have a colorbond or equivalent finish in a colour approved by Council. White or light coloured roofing will not be approved where likely to be intrusive;
- viii. Locate habitable rooms and open spaces away from noise sources and utilise car parking areas and zero side building setbacks to provide a buffer to noise sources;
- ix. In Precinct 1, design and construct development adjoining the West Byron Sewage Treatment Plan access road to ensure that acceptable living conditions, particularly in relation to noise and odour, within dwellings can be created;
- x. Incorporate lush vegetation to provide shade and screening; and
- xi. Orientate dwellings and design building roof and shade structures to maximise solar access into private open space areas and internal living spaces during winter months.

Prescriptive Measures

- i. Provide details of building materials and surface colours for assessment with the development application;
- ii. External materials should demonstrate consistency with the 'Byron vernacular' and should be light weight in appearance and can include various forms of cladding including pre-painted corrugated steel, fibrous cement, weatherboard and timber;
- iii. Allow zero side setbacks and boundary walls to efficiently utilise the site, create an urban edge to streets, minimise building material and energy usage, and enable the provision of private internal open space;
- iv. Design buildings to ensure a minimum of 3 hours of sunshine to the living area of dwellings between 9am and 3pm mid winter;
- v. Coordinate and integrate building services, such as drainage pipes and air conditioners, with overall façade and balcony design;
- vi. Coordinate security grills/ screens, ventilation louvres and carpark entry doors with the overall façade design;
- vii. Provide operable walls and large openings to allow for windows and doors to be opened during summer and closed in winter;
- viii. Incorporate mosquito mitigation devices;
- ix. Locate living areas with direct access to private outdoor spaces; and
- x. Avoid large expanses of any single material.

3.5 Element - Site and Open Space Design

Background

The flat topography and high water table of the site and the sensitive wetland habitats of its context mean that managing stormwater runoff will be important. Minimising impervious surfaces across the site is critical to the reduction of stormwater runoff. This issue will also be supported by building design and infrastructure design elements of this Chapter.

The provision of areas for communal exchange, relaxation, education and contemplation will support the village concept. At the same time, territorial reinforcement of public and private space will facilitate efficient utilisation of the land and discourage crime opportunities.

Universal access will need to be built into the design of the site at ground level in order to produce a village that is supportive of people with the range of physical and mental functionality.

The mixed use nature and density of the proposed land use pattern and the availability and augmentation of existing cycling and walking networks delivers an opportunity to provide wide transport choice. Minimising and integrating vehicular parking is a demand management measure

that can further support, walking, cycling and public transport. Locating visitor parking within the street system reduces the footprint of dwelling sites.

Element Objective

1. To achieve the Desired Future Character for the site as defined by Section 2.1; and
2. To minimise the impervious footprint of the site, provide communal and private open space, delineate the public or private role of space and facilitate universal access.

Performance Criteria

- i. Provide common open space to facilitate communal exchange and foster a sense of community;
- ii. Locate communal open space so that it exists as a focal point for the development;
- iii. Provide private outdoor open space areas in dwelling sites as an extension of living spaces and to allow yards to be fully planted as deep landscaped areas and to maximise pervious areas;
- iv. Provide private open space for workspaces by way of open space balconies as an extension of living spaces;
- v. Provide adequate facilities for storage, clothes drying and waste management while minimising their amenity and visual impact;
- vi. Provide universal access throughout the site by providing continuous paths of travel and some housing and car parking specifically designed to support persons who have reduced physical or cognitive function;
- vii. Ensure communal open space areas are useable and accessible to all including those persons with a disability;
- viii. Ensure passive surveillance of the communal open space area;
- ix. Improve the amenity of open space with landscape design by:
 - providing appropriate shade in the form of locally native trees or structures;
 - providing accessible routes through the space and between buildings; and
 - screening cars, communal drying areas, swimming pools and the courtyards of ground floor residential buildings;
- x. Contribute to streetscape character and the amenity of the public domain by:
 - relating landscape design to the desired proportions and character of the streetscape;
 - using planting and landscape elements appropriate to the scale of the development; and
 - allowing for locating art works where they can be viewed by users of open space and/ or from within courtyards and the public domain; and
- xi. Improve the energy efficiency and solar efficiency of dwellings and the microclimate of private open spaces. Planting design solutions include:
 - locally native trees for shading low-angle sun on the eastern and western sides of a buildings;
 - locating locally native dense-foliaged trees well away from the building to permit winter sun access;
 - varying heights of different species of locally native trees and shrubs to shade walls and windows; and
 - locating pergolas on balconies and courtyards to create shaded areas in summer and private areas for outdoor living.

Prescriptive Measures

Public Open Space

- i. Provide a minimum of 2,000m² of public / communal open space, with at least one central location having an area of not less than 450m². As part of the first development application for the site, a multi-purpose community building, with a floor area of at least 150m² should be provided; and

- ii. Orientation of communal open spaces to the north with a minimum of three hours of sunlight between 9am and 3pm mid winter provided to at least 50% of the communal open space area.

Private Open Space

- iii. A private open space balcony must be provided for each dwelling where the residential component is not located on the ground floor (note this includes dwellings that contain a dwelling on the first floor and workspaces / office on the ground floor). Within the commercial precinct, such private open space balconies must have a minimum area of 10m² and a minimum length and width of 2.5m. In all other precincts, the private open space balconies must have a minimum area of 15m² and a minimum length and width of 2.5m;
- iv. Private open space balconies must have appropriate orientation and adequate provision for winter sun and summer shade; and
- v. Each dwelling that has residential component on the ground floor must have a minimum landscaped area of 90m², so located that occupants will have access to an area of private open space at natural ground level, not located in the front setback, having a minimum area of 30m² and a minimum length and width each of 4m, excluding any area used for vehicle circulation or parking.

Universal Access

- vi. Provide a minimum of one adaptable dwelling, designed in accordance with AS4299, for every 10 dwellings or part thereof;
- vii. Design facilities for disabled persons (including car parking) to comply with the *Australian Standard 1428 (Pt 1 and 2)*, the *Building Code of Australia* and the *Disability Discrimination Act 1992 (as amended)*;
- viii. Provide continuous paths of travel from all public roads and public spaces, as well as throughout the ground level internal spaces of adaptable dwellings; and
- ix. Design adaptable housing dwellings in accordance with AS 1428 Pts 1, 2 and 4 and AS 4299 Adaptable Housing.

3.6 Element - Lot Size and Subdivision

Element Objectives

1. To provide lots of sufficient size to satisfy the needs of future residents and occupants, and which will accommodate well designed and innovative development;
2. To encourage diversity in lot size and opportunities for a variety of housing/building choice; and
3. To ensure that lot design takes into account the natural features of the site and locality.

Performance Criteria

- i. Lots are to be of sufficient area to allow for the siting of dwellings / buildings including provisions for private open space, landscaped area, vehicle access and parking and to permit solar access; and
- ii. Lot sizes are required to enable dwellings / buildings and driveways to be sited to protect natural or cultural features, and respond to site constraints including topography, bushland, soil, erosion, drainage, and bushfire risk.

Prescriptive Measures

- i. The minimum lot size requirements for the site (including residential community title) shall be in accordance with Table 3.4;
- ii. Lots must enable the construction of a built form which is sympathetic to the established character of the area;
- iii. Subdivision of the site is only to occur through strata and/or community title subdivision;
- iv. There is no minimum allotment size for strata subdivision provided the allotment boundaries substantially correspond with parts of any building intended for separate ownership.

Compliance with the Building Code of Australia with regard to fire separation and egress will be required prior to subdivision approval;

- v. In the case of strata or community-title subdivisions, car spaces are not to be given separate lot numbers, and all visitor spaces are to be included within common property. All private landscape area attached to a dwelling shall be identified on the subdivision plan as being part of the appropriate dwelling unit / lot. All common landscaped areas and community facilities shall be identified as being within the common property;

Table 3.4 Subdivision Standards

Precinct	Minimum Lot Size
1	600m ²
2	1000m ²
3	600m ²
4	600m ²
5	No Subdivision

Community Title Subdivision Provisions

Community Title legislation enables the creation of private development lots and common property (community lot) where proposed future uses of the private lots can be specified in a community management statement and future use of common property can be specified in a development contract. A community title scheme is managed by the community association.

Development Contract

A Development Contract must be provided for all community title schemes. A draft of the contract should be provided with the DA for subdivision. It primarily operates as a construction agreement between the developer and members of the community title scheme in relation to the use of common property areas and in relation to the provision of various facilities or amenities. The development contract is signed by the developer and the Council.

Management Statement

A Management Statement must be provided for all community title schemes. A draft of the statement must be provided with the DA for subdivision. The final statement must be lodged with the Land and Property Information office for registration with the final subdivision plan. The statement should contain details of the design concept for future development within the scheme; architectural and landscape guidelines for future development; and rules regarding access to land; use of common property; services; insurance etc.

- vi. The Management Statement should clearly indicate that:
- the maintenance of all internal roads and community buildings / facilities shall remain the responsibility of the relevant neighbourhood association;
 - car parking spaces are appropriately allocated and identified as being for the sole use of individual live / work premises within Precinct 3, and for the sole use of residents within the dwellings associated with the Mixed Use Precinct (Precinct 4);
 - the detached one-bedroom dwellings within Precinct 1 are to be contained within the same lot as an associated two, three or four bedroom dwelling;
 - The workspaces within Precinct 1 are to be contained within the same lot as an associated two, three or four bedroom dwelling;
 - The one-bedroom dwellings within Precinct 3 are to be contained within the same lot as an associated workspace; and
 - The dwellings within Precinct 4 are to be contained within the same lot as an associated commercial space.

3.7 Element - Street Design

Background

The flat topography of the site presents both opportunities and constraints for the layout of streets and lots. It enables a well connected grid pattern to be imposed on the site, but presents challenges for the provision of an efficient and effective drainage network.

The linear dunal landform patterns that are dominant in the area run in a north-west to south-east direction. Design of a street pattern that reflects this natural morphology will also ensure that vistas are maintained to Mt Warning and ranges of the hinterland.

Streets provide multiple opportunities such as vehicle and pedestrian circulation, a corridor for services and drainage, meeting places and separation between buildings and uses. Streets also provide an opportunity to 'show case' the artistic endeavours of residents.

Internally, Bayshore Village will include a principle road from the major entry points on the Sewage Treatment Plant access road (Indicative Road A on Map 2). Secondary connected roads (Indicative Roads B & E on Map 2) serve the various development areas, with smaller laneways serving individual sites (Indicative Roads C & D on Map 2). The principle and secondary roads include footpaths / cycleways, whilst laneways are 'shared zones'.

Element Objective

1. *To achieve the Desired Future Character for the site as defined by Section 2.1; and*
2. *To create a street network that reflects the features of the site, is highly permeable for people movement, incorporates service infrastructure and native landscaping, is attractive, legible and safe.*

Performance Criteria

- i. Provide a logical, efficient and safe access point from the adjoining STP access road for light industry, accommodation and live / work workspaces;
- ii. Provide both primary access roads and laneways that create a legible hierarchy, to promote safety, functional efficiency, and amenity and streetscape benefits;
- iii. Provide legible and logical pedestrian links to surrounding areas;
- iv. Provide a street and site layout that incorporates front and rear access roads/lanes to enable different use functions to be separated;
- v. Reduce the visual dominance of vehicles in the street by incorporating locally native street tree planting, general landscaping and by moving vehicle entrances to rear lanes;
- vi. Cluster visitor parking at key locations to maximise utilisation, reduce impervious surfaces, and encourage pedestrian circulation;
- vii. Incorporate water sensitive urban design measures into the street stormwater management system;
- viii. Provide engineering and landscaping treatments associated with circulation that engender a 'slow movement environment' to facilitate pedestrian and vehicular safety; and
- ix. Utilise locally native flora throughout the street system to reflect surrounding wetland and floodplain rainforest landscapes, condition water, provide suitable habitats for native fauna and minimise bushfire risks.

Prescriptive Measures

- i. Provide internal car parking along the southern and western boundaries of the site to edge the adjacent sedgeland and swamp forest;
- ii. Orientate roads in a predominantly north-west to south-east axis to reflect the historic dunal morphology of the area and to maximise views of Mt Warning;
- iii. Where appropriate, accommodate road reserves within bushfire asset protection zones, particularly on the southern and western boundaries;
- iv. Provide road access from the existing road network at the following locations:

- two locations along the Sewage Treatment Plant access road; and
- south east corner of the site and further north along Bayshore Drive, as entry only for service and access to car parking;
- v. Locate all visitor car parking spaces within the internal street system;
- vi. Locate car parking spaces associated with industrial units and live / work workspaces within the street;
- vii. Provide internal roads with pavement and reserve widths that comply with dimensions stated in Table 3.5 (Note: indicative internal road types shown on Map 2);
- viii. Provide grass swales and/or infiltration trenches to capture, treat and convey road runoff;
- ix. For roads or laneways with low traffic volumes (i.e. in the vicinity of 50 vehicles per day) and car parking areas, have pavements that are porous to promote the infiltration of stormwater;
- x. Provide dense planting, with locally native grasses and street trees rather than turf, within road reserves;
- xi. Accommodate driveway access within laneways that are used to access car parking within individual lots rather than on the individual allotment; and
- xii. Design legible circulation systems, which ensure the safety of users by:
 - isolating commercial service requirements, such as loading docks, from residential access, servicing needs and primary outlook;
 - locating clearly demarcated residential entries directly from the public street;
 - clearly distinguishing commercial and residential entries and vertical access points; and
 - providing safe pedestrian routes through the site, where required.

Table 3.5 Road Pavement and Reserve Widths

Road Type	Road function	Pavement / Reserve Width	Verge Width	Surface
A	Two-way Road (Local Street)	6.5m / 17m	5.25m both sides. Includes parallel parking, footpaths and vegetated swales as required	Road – asphalt with flush concrete edge
B	One-way Laneway	4m / 17m	Total 13m, variable each side. Includes parallel parking and passing bays	Road and parking bays – permeable surface
C	One-way Laneway	4m / 9m	2.5m both sides. Pedestrian / vehicle shared space	Permeable surface
D	One-way Laneway	4m / 5.5m	Total 1.5m. Pedestrian / vehicle shared space	Permeable surface
E	Part One-way; part Two-way Road (Local Street)	6.5m / 20m	6.75m both sides. Includes 90° nose-in parking, infiltration areas and fire-retardant planting	Road – asphalt with flush concrete edge. Permeable parking bays
F	One-way Laneway	4m / 6m	1m both sides. Vehicular entry only	Road – Asphalt with flush concrete edge

3.8 Element - Water

Background

A flat topography, seasonally high water table, sensitive nearby wetland habitats, and limited existing public drainage system present challenges to water cycle management on the site. Given these constraints, it is imperative that the design minimises runoff and reduces water use at the commencement of the water cycle management train. An integrated approach to water cycle management is also critical to efficiently utilise and manage water resources.

Water sensitive urban design measures are available at all stages of the water cycle management system. These range from minimising the footprint of the development, to adopting household water use minimisation and stormwater capture devices, to incorporating bioretention treatment into street design, to reusing treated wastewater for site irrigation and toilet flushing.

SEPP No. 71 requires that a consent authority refuse consent to development if it:

“...will, or is likely to, discharge untreated stormwater into the sea, a beach, an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform”.

The wetland systems to the south-west and west of the site demand a water management regime that ensures that water leaving the site is appropriately treated and managed.

Element Objective

1. *To achieve the Desired Future Character for the site as defined by Section 2.1;*
2. *To ensure that management of surface water and ground water on the site is consistent with the principles of Integrated Water Cycle Management and Water Sensitive Urban Design; and*
3. *To protect the area’s sensitive ecological and geophysical environment, particularly by ensuring that water released into the groundwater and adjacent swales is low in pH and nutrients.*

Performance Criteria

- i. Utilise uncontaminated, low pH, low nutrient fill to provide for drainage of stormwater within and from the site;
- ii. Minimise building footprints by including double storey building forms in order to maximise pervious open space areas;
- iii. Minimise impervious surfaces dedicated to vehicular access and manoeuvring by minimising the length of driveways and parking provided within individual house sites;
- iv. Incorporate water use minimisation measures, such as water saving devices, into building designs;
- v. Minimise filling of the site by adopting above-surface drainage regime with the use of swales;
- vi. Council may consider variations to its engineering standards to allow swale drainage, as an alternative to standard kerb and gutter drainage, if it can be demonstrated that the swale drainage design could be adapted to conform to standard kerb and gutter drainage in the event of system failure;
- vii. Avoid the need for deep basins or permanent pools for the detention of stormwater by incorporating shallow detention areas or swales across the site which fully drain following rainfall events;
- viii. Utilise car parking areas for the detention and treatment of stormwater runoff from roads;
- ix. Ensure that stormwater leaving the site is treated to a quality equal or better to pre-development quality;
- x. Ensure that stormwater flow rates leaving the site are no greater than pre-development flow rates;
- xi. Manage the flow and quality of water leaving the site to avoid adverse impacts upon adjoining sensitive wetland areas, particularly in relation to maintaining low pH and low nutrient levels;
- xii. Maximise the reuse of treated wastewater and stormwater for non potable purposes such as garden watering and toilet flushing within site capability and public health limits; and

- xiii. Minimise wet weather inflow / infiltration with appropriate sewerage system.

Prescriptive Measures

- i. Provide an Integrated Water Cycle Management Strategy with any application, demonstrating how the performance criteria of this element will be achieved. This Strategy must also address system maintenance and how this will be achieved;
- ii. Provide an impervious bund between the site and sedgeland to the south, west and north to ensure that the majority of stormwater is infiltrated into the ground through a filtering system on-site. Allow for the over-topping of the impervious bund in a manner that ensures a diffuse rather than concentrated flow;
- iii. Provide dual reticulation within the site for the reuse of recycled water from the West Byron sewage treatment plant (STP) for toilet flushing in all buildings and watering of public spaces;
- iv. Provide rainwater tanks for all dwellings in Precinct 1 and for all buildings in other precincts;
- v. Private courtyards are to minimise surfaces with impervious materials. Where timber decking is provided, water must be capable of infiltrating into the soil beneath the deck;
- vi. Contribute to water and stormwater efficiency by integrating landscape design with water and stormwater management, by:
 - using locally native plants with low water demand to reduce water consumption;
 - using locally native plants with low fertiliser requirements;
 - using locally native plants with high water demand, where appropriate, to reduce run off from the site;
 - utilising permeable surfaces; and
 - incorporating wetland filter systems using locally native plant species;
- vii. Employ sub-surface irrigation for watering of public spaces, using recycled water with scheduling to avoid over-watering and adverse impacts to soils and groundwater;
- viii. Employ swale drainage within drainage systems to promote infiltration and treatment of stormwater. Swales shall be designed to minimise maintenance requirements with the use of locally indigenous plant species or alternative coverings such as river pebble;
- ix. Council will require the body corporate of Bayshore Village to enter into an appropriate management agreement for the maintenance of any drainage swale on the public roads (Bayshore Drive and the West Byron STP access road) fronting the site;
- x. Design drainage systems to achieve (or better) the following stormwater quality objectives:

- Coarse Sediment (< 0.5mm)	80% retention of average annual load
- Fine Sediment (< 0.1mm)	60% retention of average annual load
- Total Phosphorus	50% retention of average annual load
- Total Nitrogen	50% retention of average annual load
- Litter (> 5mm)	70% retention of average annual load
- Hydrocarbons, motor fuels, oil & grease	90% retention of average annual load
- xi. Ensure that stormwater flow rates from the developed site are no greater than pre-development flow rates. Stormwater measures shall be employed to maximise dispersed flow from the site as opposed to localised concentrated flows;
- xii. Design stormwater detention areas within public spaces to be fully draining following rainfall events. The maximum depth of water in the detention areas during rainfall events shall be 200mm;
- xiii. Design car parking areas to facilitate stormwater detention and treatment;
- xiv. Employ suitable technologies within the sewerage system to minimise excavation depths and employ suitable pipe technologies to minimise inflow and infiltration into the system; and
- xv. Carry out all excavation above the existing water table and in a way that does not change the natural characteristics of the water table.

3.9 Element - Ecological Enhancement

Background

Bayshore Village is almost devoid of non-grass vegetation, having been slashed for decades. Three (3) vegetation communities occur on the site. These are swamp forest (small clump on southern boundary), sedgeland (located in depressions across the site) and grassland (majority of the site). No threatened plant species have been identified on the site.

The threatened Wallum Froglet (*Crinia tinnula*) has been recorded on and adjacent to the site and the threatened Wallum Sedge frog *Litoria olongburensis* occurs adjacent to the site. The site itself offers marginal habitat for the Wallum froglet as a result of degradation due to past disturbance.

A Compensatory Habitat Agreement exists between the land owner and Council, which will substantially enhance Wallum frog habitats and provide linkages between existing habitats of importance for these species. The development of the Bayshore Village site will implement and inform the development of this compensatory habitat agreement.

Element Objective

1. *To achieve the Desired Future Character for the site as defined by Section 2.1; and*
2. *To assist and increase ecological restoration being undertaken to the west of the site and extend ecological restoration into the site.*

Performance Criteria

- i. Continue to contribute to the establishment and maintenance of Wallum frog habitats being created on adjoining land;
- ii. Provide restored Wallum frog habitat within the area shown on Map 2 as Precinct 5 by way of sedge planting and the creation of shallow ephemeral ponds that link with sedgeland to the west when inundated;
- iii. Where possible, provide or contribute to additional habitat establishment and maintenance on adjacent land in Council ownership
- iv. Provide stormwater control measures that mimic the pre-development hydrological regime and minimize overland discharge to the Wallum frog habitat areas;
- v. Optimise local biodiversity conservation by site plantings to locally native species; and
- vi. Utilise locally native flora species throughout the street system to reflect surrounding wetland and floodplain rainforest landscapes, condition water, provide suitable habitat for native fauna species and minimize bushfire risks.

Prescriptive Measures

Habitat restoration within the site is to consist of:

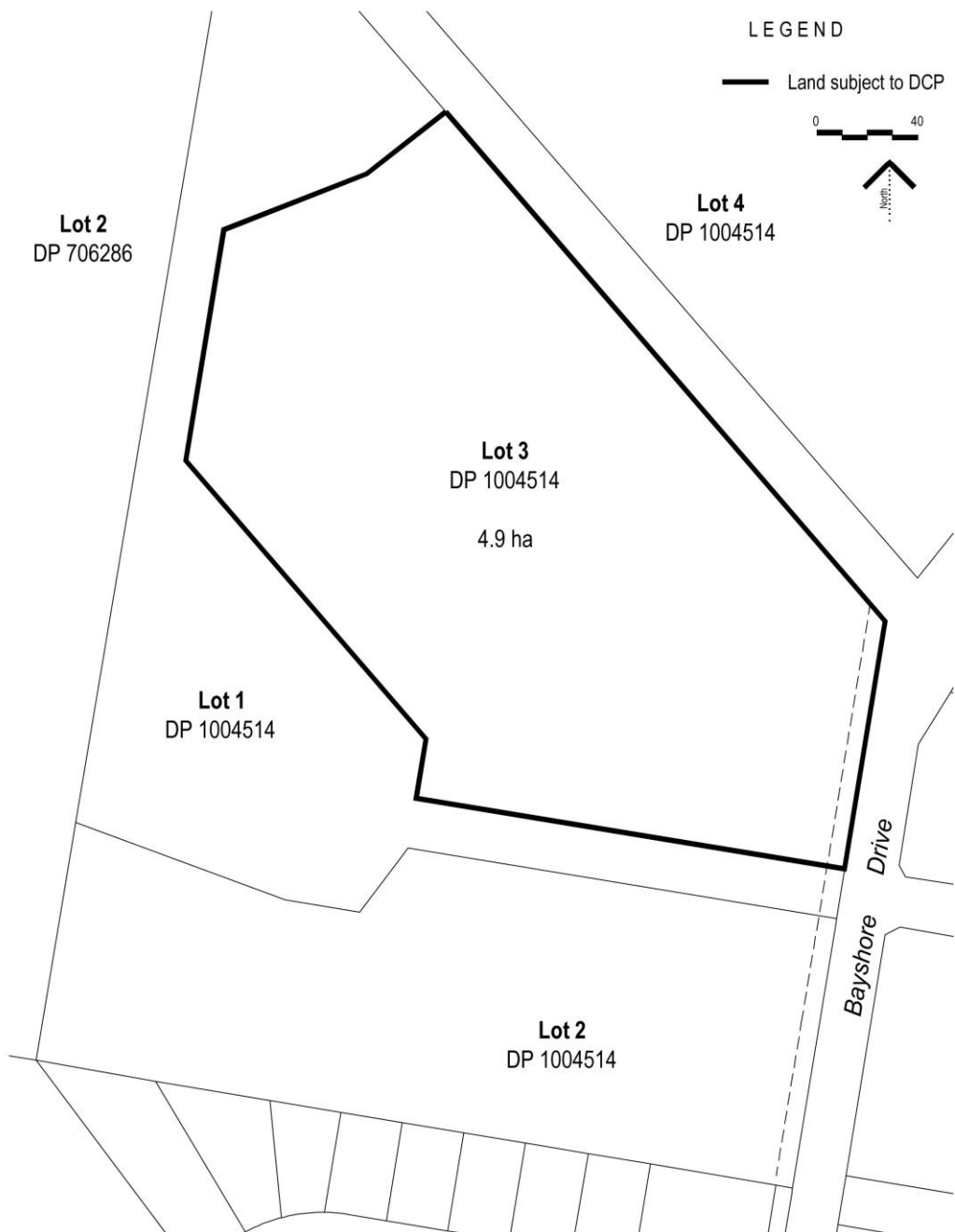
- i. the creation of shallow swales in the ground surface along the western fringe of the Bayshore Village property to facilitate periodic and shallow ponding of water;
- ii. the extension of a deeper swale located on adjoining land to the north-west of the Bayshore Village property to connect adjacent wetland habitats with wetland restoration within the site at Precinct 5;
- iii. revegetation of the western fringe of the Bayshore Village property with locally native wetland plant species of local provenance;
- iv. landscaping and revegetation generally throughout the remainder of the property with locally native plant species;
- v. integration or linking of densely planted ground plane areas along streets, within public/communal open spaces and within private dwelling sites; and
- vi. dwelling designs which include large decks as outdoor living areas so that the remaining yard area can be planted out to provide habitat and allow for movement of local opportunistic fauna species.

4 DEFINITIONS

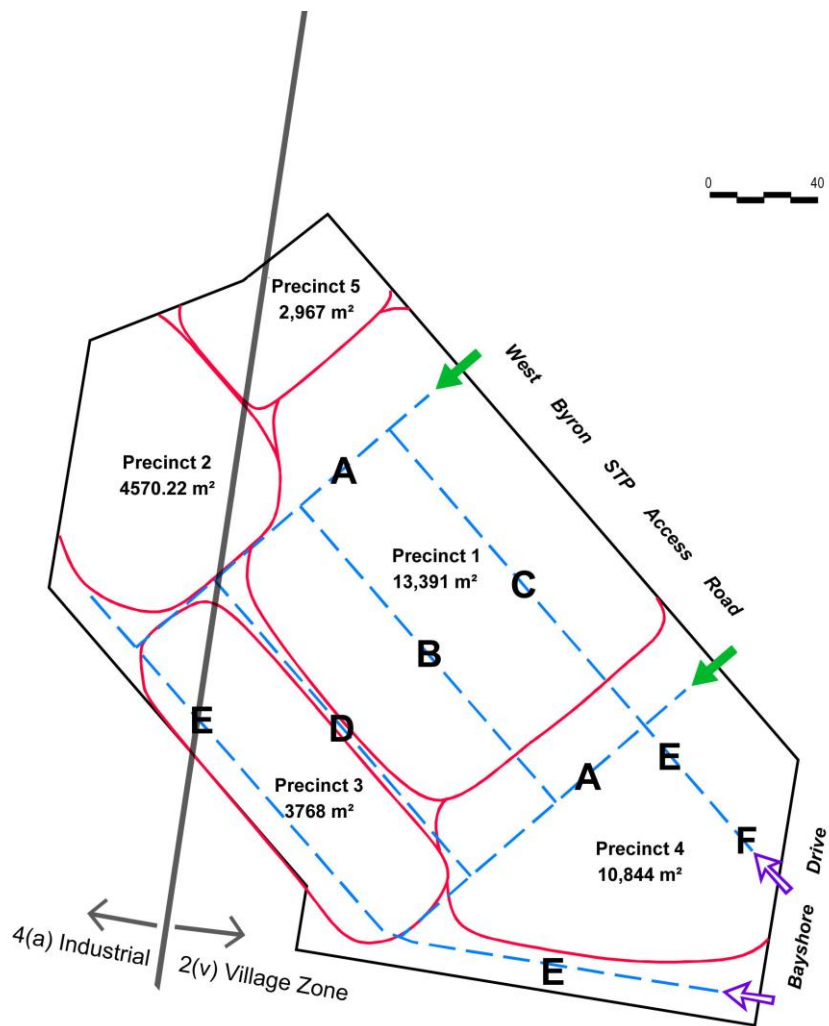
<i>Adaptable housing</i>	means housing that is designed and built to accommodate future changes to suit occupants with mobility impairment or life cycle needs (Australian Standard 4299: Adaptable Housing).
<i>Amenity</i>	means the enjoyment of the environment and quality of a place that makes it pleasant and agreeable to be in for individuals and the community. It includes the enjoyment of (but not limited to) sunlight, views, visual and acoustic privacy, on both private and public lands.
<i>Australian Height Datum (AHD)</i>	is a common national surface level datum approximately corresponding to mean sea level.
<i>Commercial (premises)</i>	means a building or place used entirely as an office, shop, café, restaurant, professional consulting rooms, hotel, club, place of public entertainment or for other business or commercial purposes.
<i>Communal open space</i>	means useable shared open space / landscaped area of a multi-unit development that is not for the exclusive use of individual residents. It does not include driveways, visitor parking spaces or private open space.
<i>Council</i>	means Byron Shire Council.
<i>Creative Industry</i>	means industries that generate copyrights, patents, designs or trademarks and include businesses and industries involved in: <ul style="list-style-type: none"> ▪ advertising, graphic design and marketing; ▪ architecture, visual arts and design; ▪ music composition and production; ▪ computing and intellectual technologies; ▪ performing arts; ▪ writing, publishing and print media; and ▪ film, television and entertainment.
<i>Finished ground level</i>	means the level of the finished external ground surface.
<i>Floor</i>	means that space within a building, which is situated between one floor level and the floor level above, or if there is no floor above, the ceiling of roof above.
<i>Light industry</i>	as defined in Byron Local Environmental Plan 1988
<i>Mixed use development</i>	incorporates the following range of uses; commercial premises, community building, place of assembly, recreation facility, restaurant and shops. It may also include residential uses.
<i>Natural ground level</i>	means the level of the ground surface before any changes have been made by human operations, such as excavations or filling.

<i>Private open space</i>	means an open area of land or building attached to a dwelling (eg. balcony or roof garden) intended for the exclusive use of the occupants of the dwelling for private outdoor living activities.
<i>Public open space</i>	means land used, or intended for use, for recreational purposes by the public.
<i>Remnant vegetation</i>	is the natural vegetation that still exists or, if the natural vegetation has been altered, is still representative of the structure and/or floristic composition of the natural vegetation.
<i>Residential</i>	means dwellings that are used for long term accommodation (i.e. includes residential units, apartments, etc)
<i>Setback</i>	means the distance between the boundaries of a site and the external wall of a building erected or proposed to be erected.
<i>Shared zones</i>	refers to roads with low traffic volumes, which are shared by vehicles and pedestrians.
<i>Side boundary</i>	means the boundary between adjacent properties.
<i>Site area</i>	means the area within the title boundaries of the site or the site area of the land to which a development application relates, but does not include any land where development to which the application relates is not permitted under any environmental planning instrument applying to the land or any access handle to a hatchet-shaped allotment.
<i>Workspace</i>	means the component of a dwelling that is used as a commercial premises, or for the purposes of home, creative or light industry.

Map 1 DCP Area



Map 2 Precinct Plan



LEGEND



Indicative Major Entries



Indicative Carpark Entries
(Left in only - service and carpark access)

--- Indicative Internal Access Connections

A, B, C... Indicative Internal Road Types

Chapter 21:

Social Impact Assessment

Document History

Doc No.	Date Amended	Details Comments eg Resolution No.
#904800	Adopted 22 October 2009 Effective 12 November 2009	Res 09-911
#904800	14 October 2010	Res 10-696 - to create Draft DCP 2010 for public exhibition
#1018954		Draft DCP 2010 Chapter 21 (public exhibition copy)
#1072912	14 March 2011	Res 11-169 format changes applied.

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A. INTRODUCTION

A1 Title of this Chapter

This Plan is called Byron Shire Development Control Plan 2010 Chapter No.21 – Social Impact Assessment. It is a Development Control Plan prepared in accordance with Section 74C of the Environmental Planning and Assessment Act 1979.

A2 Where this Chapter applies

This Chapter applies to all land within Byron Shire Local Government Area upon which development as detailed in section A5 applies as permissible under the Byron Local Environmental Plan 1988.

A3 Aims of this Chapter

The primary aims of this Chapter 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* 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.

A4 Objectives of this Chapter

The general objectives of this Chapter 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.

A5 What development does this Chapter apply to?

It applies to development applications that incorporate the following:

- a) Residential development for twenty dwellings or more in an urban area,
- b) Residential development for ten dwellings or more in a rural or environmental protection area (including multiple occupancy developments),
- c) Subdivision for twenty or more allotments in an urban area (including community title subdivisions),
- d) Subdivision for ten or more allotments in a rural or environmental protection area (including community title subdivisions),
- e) An 'Affordable housing' project,
- f) Manufactured home estates or caravan park,
- g) Boarding houses,
- h) Seniors Living,
- i) Commercial development with a gross floor area of more than 1500sqm,
- j) Commercial uses in non-commercial zones with a gross floor area of more than 500 sqm,
- k) Industrial development with a gross floor area of more than 1,500 sqm,
- l) Tourist facilities and rural tourist facilities providing overnight accommodation for twenty or more persons,

- m) An event for 200 persons or more on private land,
- n) Permanent Places of Public Entertainment approval,
- o) Brothels,
- p) Restricted Premises as defined under Byron LEP 1988,
- q) Licensed premises
- r) Bottle shops,
- s) Service stations
- t) Designated development,
- u) Where no SIA has been considered as part of a draft Local Environmental Plan amendment for a use listed in this chapter., and / or
- v) Any development proposal deemed by Council to have likely significant social impacts.

This Chapter does not apply to applications where the owner of the land and the applicant is the NSW Department of Housing (or its equivalent) or its nominated community housing provider.

[Note: Where a SIA has been provided for an LEP amendment or rezoning application applying to the subject site, a SIA is not required for the development application, unless over 5 years have elapsed].

A6 How this Chapter works

This Chapter provides information to support the provision of a social impact assessment for certain types of developments which are likely to cause significant social impacts on a community. Applicants are required to provide to Council social impact assessment documentation with lodgement of their development application to Council. A pre-lodgement meeting with Council officers is preferred by Council to discuss issues associated with the application.

This Chapter contains the following Parts:

Part A – Introduction

This part contains the legal requirements for the preparation of the DCP and the relationship between this Chapter and other planning documents.

Part B – General Provisions

This part contains the general information and processes involved in undertaking a social impact assessment. It provides a flow chart which gives a graphical representation of the process for social impact assessment.

Part C - Decision Making

This part provides information about what happens after the SIA Report has been assessed and a decision is made by Council.

A7 Relationship with other Chapters

This Chapter applies to all development on the land to which this Chapter applies. The information contained in this Chapter is to be read in conjunction with the *Byron Local Environmental Plan 1988* and other relevant Environmental Planning Instruments or Chapters within this DCP. Environmental Planning Instruments prevail over this Chapter in respect to any inconsistency. This Chapter prevails over any other in respect to any inconsistency with other Chapters.

A8 Background to Social Impact Assessment in the Byron Shire

Council is committed to the implementation of social impact assessment. On 21 June 2005 Council resolved (05-496) a commitment to social impact assessment as a means of considering social issues more comprehensively and consistently.

There is a growing demand on Council to consider the social impacts of decision-making in addition to the more usual assessments of economic issues and environmental impacts.

Demand for a stronger focus on social impacts is being driven in the Byron Shire through:

- The need to generate data in order to measure and manage social impacts
- High levels of unemployment in the Shire
- Lack of affordable housing
- Significant impacts on community 'way of life' as a consequence of tourism

development

- The need to recognise the value of 'way of life' to sustainable tourism
- A strategic move towards triple bottom line accounting

Council has developed *Chapter No.21 - Social Impact Assessment* and the *Social Impact Assessment Policy* as mechanisms for identifying and assessing the impact on communities of proposed projects, policies and development.

Social impact assessment utilises measurable social variables plus community consultation processes to assess the potential social impacts of change, and includes plans for managing those impacts, whether positive or negative.

This chapter of the DCP addresses six social elements for consideration;

- Transport
- Safety
- Population Change
- Amenity
- Employment
- Culture

The elements for consideration above aim to determine likely social impacts of a proposal on the following:

- Peoples' way of life – how they live work, play and interact with one another on a day to day basis;
- Peoples' culture – their shared beliefs, customs and values; and
- Peoples' community – its cohesion, stability, character, services and facilities.

Community consultation is a fundamental part of social impact assessment. This Chapter requires proponents to undertake a pre-application discussion with Council to develop a community consultation strategy for proposals affected by this Chapter. Council can offer advice to the proponent as to what groups or people are potentially affected by the proposal that need to be consulted.

A9 Definitions relevant to this Chapter

Affordable Housing

Means housing for very low-income households, low-income households and moderate-income households. Very low-income households, low-income households and moderate income households, in this definition, are those whose gross incomes fall below the following percentages of the Byron Shire median household income and below the State median income if purchasing. Median incomes are identified using the Australian Bureau of Statistics census figures adjusted quarterly in line with the consumer price index:

Very low income households	less than 50%
Low-income households.....	50% or more but less than 80%
Moderate income household	120%

Affordable Housing Project

A project undertaken in accordance with Affordable Housing as defined in this Chapter.

Essential Worker

Essential workers are people whose work is considered strategically important to the economic development and sustainability of the region.

Population Change

A temporary or permanent change in population numbers as a result of a Council activity.

Proponent

Person or organisation responsible for a project, proposal or application requiring social impact assessment.

Social Impact Management Plan

A plan identifying the likely social impacts of a proposed development and ongoing requirements for mitigation and management of those impacts. This can be required by a condition of consent and will be monitored by a Council staff member.

Social Impact Assessment Scope

The pro-forma completed at the pre-lodgement meeting by the applicant and Council staff to identify issues of concern, delineate study boundaries and community consultation requirements.

For other definitions, refer to Chapter 1 and Byron Local Environmental Plan 1988

B. GENERAL PROVISIONS**B1 Element - When is an SIA Required?****Element Objective**

To define criteria for determining whether Social Impact Assessment is required for a particular project.

Performance Criteria

This stage involves determining whether a social impact assessment is required. Not all development applications will require a social impact assessment. To determine whether an assessment is required, Council has developed the following trigger criteria.

A response of 'yes' or 'possibly' to any of the following questions means that a social impact assessment will be required as part of the planning application.

- a) Does the proposal include a residential development for twenty dwellings or more in an urban area?
- b) Does the proposal include a residential development for ten dwellings or more in a rural or environmental protection area (including multiple occupancy developments)?
- c) Does the proposal include a subdivision for twenty or more allotments in an urban area (including community title subdivision)?
- d) Does the proposal include a subdivision of ten or more allotments in a rural or environmental protection area (including community title subdivision)?
- e) Does the proposal incorporate 'affordable housing'?
- f) Does the proposal include a manufactured home estate or caravan park?
- g) Does the proposal include a boarding house?
- h) Does the proposal include Seniors Living?
- i) Does the proposal include a commercial development with a gross floor area of more than 1,500 sqm?
- j) Does the proposal include a commercial use in a non-commercial zone with a gross floor area of more than 500 sqm?
- k) Does the proposal include an industrial development with a gross floor area of more than 1,500 sqm?
- l) Does the proposal include a tourist facility or rural tourist facility providing overnight accommodation for twenty or more persons?
- m) Does the proposal include an event for 200 persons or more on private land?
- n) Does the proposal include a permanent Place of Public Entertainment approval?
- o) Does the proposal include the use of premises as a brothel?
- p) Does the proposal include a restricted premises as defined under Byron LEP 1988?
- q) Does the proposal include a licensed premises
- r) Does the proposal include a bottle shop?
- s) Does the proposal include a service station?
- t) Is the proposal designated development?
- u) Does the proposal include a development listed in this DCP where no SIA has been considered as part of a Draft Local Environmental Plan Amendment? or
- v) Does Council consider the proposal likely to have significant likely social impacts that require assessment?

Councils' duty planner can assist in determining whether any of the trigger criteria apply to your proposal. Phone: (02) 6626-7025.

B2 Element – Qualifications for Conducting SIA**Element Objective**

To ensure that social impact assessments for projects in Byron Shire are prepared by persons with appropriate qualifications and experience.

Performance Criteria

If your proposal requires a social impact assessment, this must be conducted by a suitably qualified person.

Qualified practitioners are persons who:

- Have social science training and / or extensive experience in the field of community needs analysis and community consultation, and
- Are familiar with the types of information required, and
- May work in a range of fields including town planning, social planning, sociology, anthropology, human geography.

Where stakeholder consultation is required as part of the social impact assessment, specialist skills may be required to consult with particular groups such as Aboriginal people, older people, youth, people with a disability or people who use English as a second language.

B3 Element – Conducting the Social Impact Assessment

Element Objective

To ensure that social impact assessments in Byron Shire are prepared systematically and contain the information required to enable the evaluation of social issues, impacts and management measures.

Performance Criteria

The social impact assessment is to be conducted by a suitably qualified person employed by the proponent. The Social Impact Assessment must be included as part of the development application for the proposal.

There are FOUR steps to follow:

- B3.1 Undertake the Social Impact Assessment Scope**
- B3.2 Pre-application meeting with Council**
- B3.3 Undertake research, consultation and analysis**
- B3.4 Prepare the Social Impact Assessment**

These steps are illustrated in Flowchart 1 at the end of Part B. They comprise the following:

B3.1 Undertake the Social Impact Assessment Scope

A Social Impact Assessment Scope (see Attachment 1) is the first stage of the SIA. This is to be prepared by the proponent (or consultant conducting the SIA, in Section B2) in collaboration with relevant Council staff. The aim of the Social Impact Assessment Scope is an initial attempt to establish the range of possible issues that need to be considered and the geographical area of possible social impacts in order for a proposal to mitigate against these impacts. A pre-lodgement meeting is the preferred method for discussing 'The Social Impact Assessment Scope' with council staff.

The Social Impact Assessment Scope will:

1. Nominate the data collection methods and the measurement techniques- the scale and size of the social catchment and geographical area to be considered (for example, Shire wide, town centre, village, hamlet or neighbourhood),
2. Nominate how the data will be analysed,
3. Preliminary identification of the potential important issues relating to a proposal, (both positive and negative),

4. Nominate the Community Consultation Strategy, and
5. Identify the relevant elements for consideration as listed in the table below:

Elements for Consideration

The Social Impact Assessment Scope will draw on the following list of elements for consideration but will not be limited to it.		
Elements for Consideration	Outcomes	Information required
<p>Transport Access to employment and recreation opportunities by way of public and private transport has a significant bearing on social cohesion, economic development and regional education.</p>	Access to recreation and training and employment via public and private transport.	Map showing accessibility of site to public transport, pedestrian and private transport networks linking to local commercial, recreation, tourism and industrial areas.
<p>Safety The minimisation of potential security risks to persons and properties.</p>	Design that addresses and responds to local crime statistics and conforms with CPTED Principles.	Identify crime prevention strategies in relation to local crime statistics and address CPTED Principles.
<p>Diversity Nurturing and maintaining respect for points of cultural and demographic difference within the population</p>	Maintain housing affordability to ensure community diversity.	Address increased demand for essential worker housing.
<p>Amenity Quality of attractiveness experienced in a place as a result of the environmental, social/cultural and economic factors.</p>	<p><i>Traffic:</i></p> <ul style="list-style-type: none"> • Minimise increase in traffic congestion. • Maximise pedestrian access routes from proposed development to local attractors. <p><i>Noise:</i></p> <ul style="list-style-type: none"> • Minimise noise emanating from proposed development. <p><i>Facilities:</i></p> <ul style="list-style-type: none"> • Provide facilities for parents with young children, people with disabilities, young people and the elderly. 	<p><i>Traffic:</i></p> <ul style="list-style-type: none"> • Show expected increase in traffic due to proposed development and existing and proposed pedestrian routes linking to local attractors. <p><i>Noise:</i></p> <ul style="list-style-type: none"> • Show design and management strategies to minimise noise from proposed development. <p><i>Facilities:</i></p> <ul style="list-style-type: none"> • Show facilities provided.
<p>Employment and Training Opportunities for paid employment and paid training positions within award requirements.</p>	Generation of local employment and training opportunities.	Show employment generated by proposed development. Detail any training opportunities to be generated from the proposed development. Identify likely local economic impact of proposed development.
<p>Culture Communities are complex and multi-layered, meaning that</p>	Development to be compatible with local identity and cultural goals as identified in key Council policies.	Address cultural goals of the Shire relevant to the proposed development.

<p>a particular community is made up of many 'cultures'. Community culture includes expressions of identity such as language, dress, cuisine, sporting activities and more in addition to what is narrowly termed 'arts'.</p>		
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B3.2 Pre-application meetings with Council

For all type of development identified in this Chapter that require a SIA, it is recommended that a pre-application meeting take place with Council staff during the initial stages of a development. The aim of this meeting is to provide discussions with Council on the proposed development and the likely social impacts arising from the proposal. It also provides the opportunity for Council to provide advice to the proponent as to what groups or people are potentially affected by the proposal that may need to be consulted. Attachment 1 provides a pro-forma, which will aid in identifying the issues for consideration and the most appropriate community consultation methods for the proposal.

B3.3 Undertake research, consultation and analysis

The research and consultation must be in accordance with the Social Impact Assessment Scope as determined by Council (Element B3.1). Following from this, the research, consultation and analysis should include the following components:

- Community Profiling – this provides an overview and analysis of current social and historical trends.
- Formulation of alternatives – examination and comparison of options for change based on the projection and estimation of effects.
- Projection and estimation of effects – detailed examination of the potential impacts of one or more options against decision criteria.
- Community Consultation – identification of community consultation methods and justification for the methods used and analysis of outcomes.

The research, consultation and analysis must be conducted by a suitably qualified practitioner (Element B2) and in accordance with professional standards.

B3.4 Preparation of the Social Impact Assessment

Documentation of the research, consultation and analysis must be in the form of a Social Impact Assessment Report and should include:

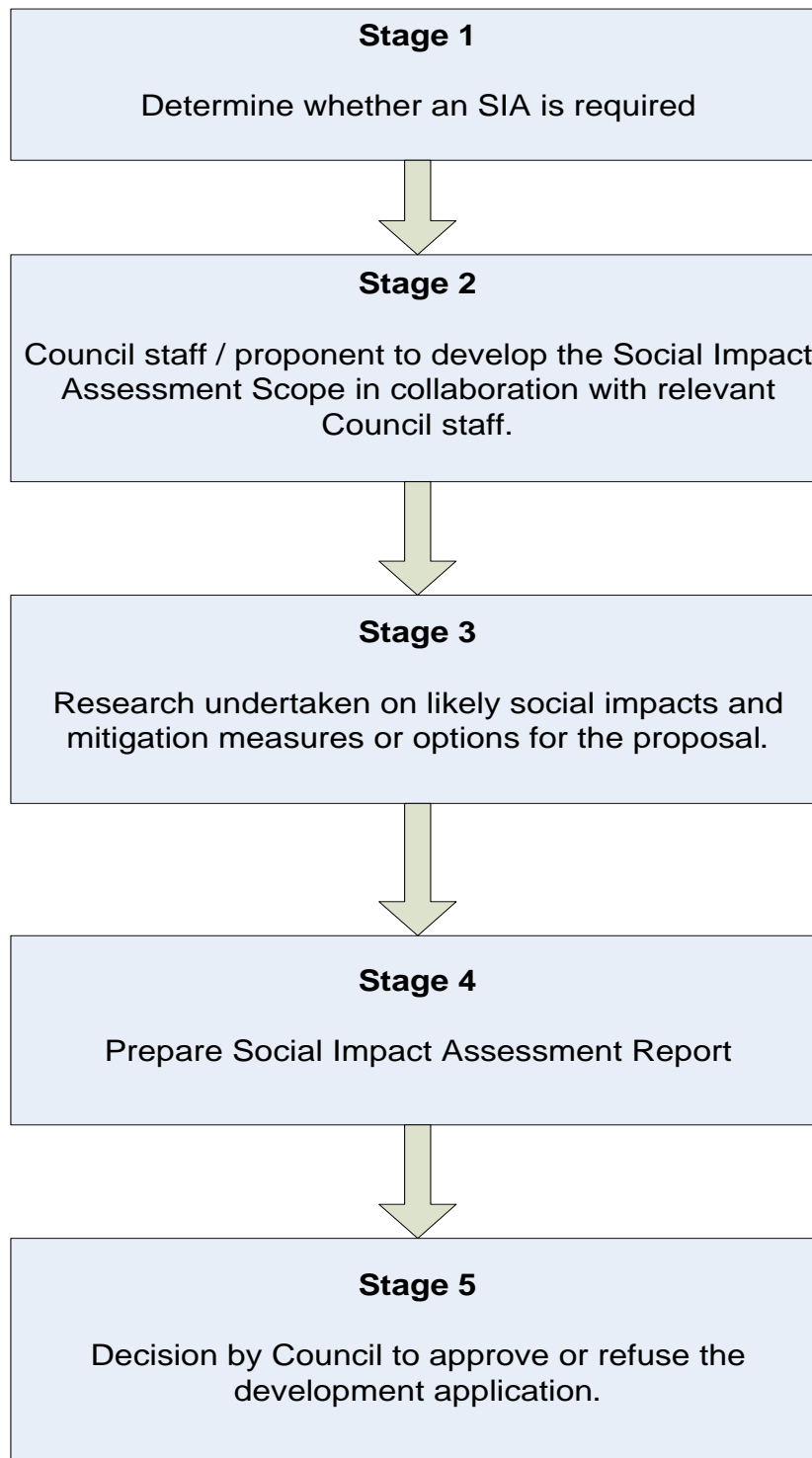
- The Social Impact Assessment Scope,
- Community profiling,
- Identification of issues (both positive and negative),
- The methodologies employed by the study to measure impacts,
- The primary and secondary data collection methods,
- The primary and secondary data collected,
- Method of analysis employed and a discussion and analysis of the issues,
- Identification and measurement of likely impacts,
- Range of options for proceeding with the proposal, and
- Recommendations including suggested mitigation measures for negative impacts that have been identified and/or strategies to monitor and manage negative impacts over time

B4 Further Information

The following provides a list of Council policies and plans which may assist proponents to identify issues for consideration in a social impact assessment:

- The Byron Shire Local Environmental Plan 1988
- The Byron Shire Social Plan 2004 – 2009
- The Byron Shire Community Profile
- The Byron Rural Settlement Strategy 1998
- The Brunswick Heads Settlement Strategy 2004
- The Mullumbimby and Bangalow Settlement Strategies 2003
- The Byron Shire Community Safety Plan 2003
- The Byron Shire Disability Action Plan 2001 - 2004
- The Byron Shire Cultural Policy 2003 and Plan
- The Byron Shire Affordable Housing Strategy for Urban Areas 2002
- Far North Coast Regional Strategy 2006 - 2031

Flow Chart 1: Conducting the Social Impact Assessment



C. DECISION MAKING

The Decision	
<p>Deciding <i>(The Council makes the decision)</i></p>	<ul style="list-style-type: none"> Councils' determination of the proposal will take into account the information submitted.
<p>Impact Management Planning <i>(The council determines the conditions of consent)</i></p>	<ul style="list-style-type: none"> If the proposal is approved by Council, preparation of a Social Impact Management Plan may be required as a condition of consent. This will be dependent on the complexity of the development and whether any mitigating measures can easily be transposed into consent conditions or are reliant on a Social Impact Management Plan to identify a range of measures that need to be implemented for the development.
<p>Monitoring and mitigating <i>(The proponent is responsible for implementation and reporting to Council in accordance with consent conditions)</i></p>	<ul style="list-style-type: none"> The Social Impact Management Plan may require the collation of information as to particular impacts over time. This information will be applied to mitigate or avoid negative effects, to maximise positive effects and to manage overall changes.

Attachment 1

Social Impact Assessment Scope

This pro-forma will be discussed and completed during a pre-application meeting with Council staff to provide advice for applications that require an SIA. This pro-forma identifies issues for consideration and the most appropriate community consultation methods for the proposal.

Description of the proposal?

Property Lot and DP

What are the standard issues for consideration? <i>(Clarify if listed in order of importance and include rationale.)</i>	What baseline data is available?	What information needs to be collected by the applicant?	What is the most appropriate collection tool?	What is the most appropriate analysis tool

Community consultation

Issues to be covered	Community Representatives that need to be included	# of sessions to be held	Advertising of sessions required

Comparison analysis (comparison of options for the proposal)

What are the elements for consideration?	What baseline data is available?	What information needs to be collected by the applicant?	What is the most appropriate collection tool?	What is the most appropriate analysis tool

Chapter 22:

Bangalow Urban Release Areas

(Rezoned 2010)

Document History

Doc No.	Date Amended	Details Comments eg. Resolution No.
#1023947	10 June 2010	Res 10-441 – prepare draft Chapter 22
#1024257	16 December 2010	Res 10-1112 Make amendments and report back to Council
#1044693	10 February 2011	Res 11-17 Draft DCP 2010 Chapter 12 (public exhibition copy)
#1087432	28 April 2011	Adopted Res 11-368: Apply changes

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1. INTRODUCTION

1.1 Purpose of this Chapter

This Chapter establishes Council's Policy with respect to controls and guidelines for the future form of development of the Bangalow Urban Release Areas. These areas were zoned residential as part of Amendment No 137 (30 August 2010) to Byron Local Environmental Plan 1988. This Chapter applies to the Bangalow Urban Release Areas which are:

- Area 2 & 3:** Lot 100 & part of Lot 101 DP1127017;
Area 4 (North): Part of Lot 22 DP 1070522 and Lot 4 DP 233810;
Area 4 (South): Part of Lot 2 DP 1086364;
Area 6: Part of Lot 1 DP 127485;
Area 7: Lots 25-27 & 30 DP 879204; Lots 32-34 DP 880271; Lots 35-38 & 41-50 DP 1010427; Lot 54 DP 1013908; Part Lot 77 DP 1031773.

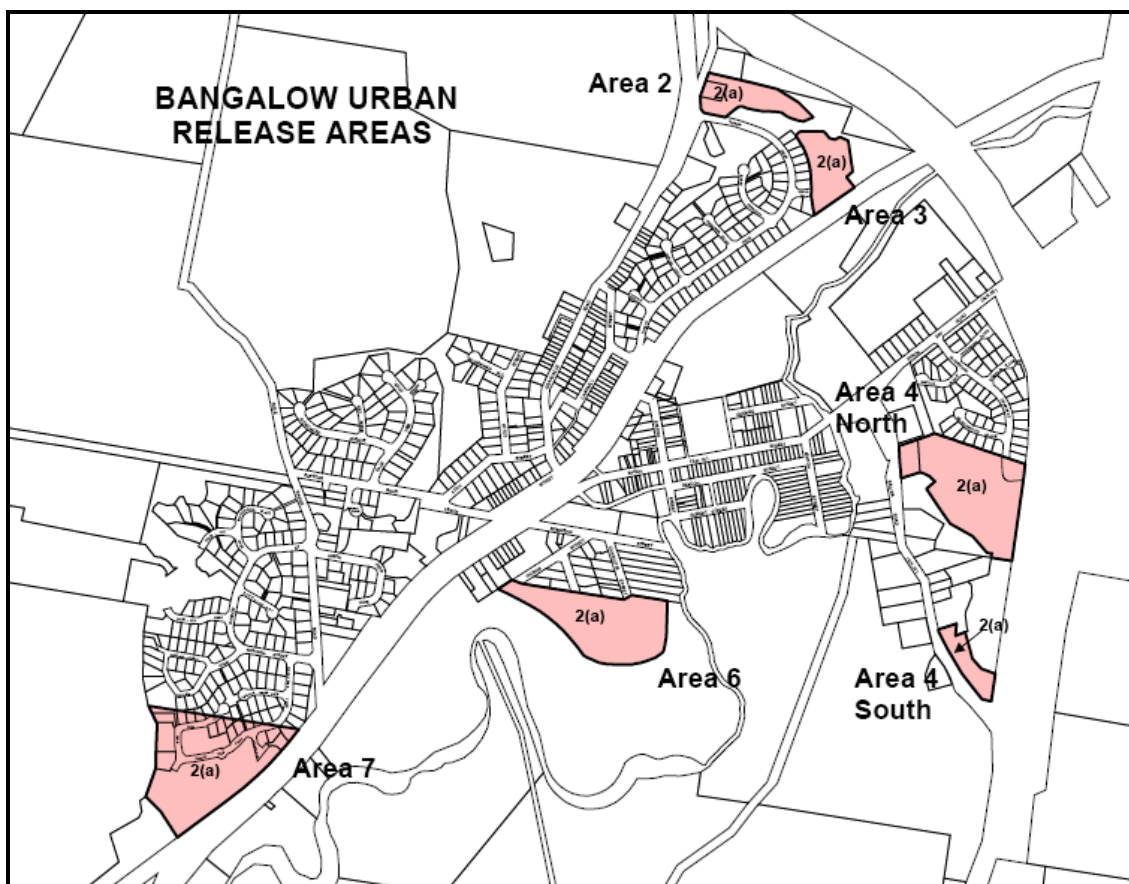
The area numbers are the numbered investigation areas from the *Bangalow Settlement Strategy 2003*. Not all areas investigated in the *Bangalow Settlement Strategy 2003* were identified as suitable for residential development; hence the missing numbers in the sequence. A map of the Bangalow Urban Release Areas is shown in Figure 1.

1.2 Objectives of this Chapter

The land use planning objectives for this Chapter are:

- a. To implement the Bangalow Settlement Strategy 2003. The strategy adopted the following vision for the development of Bangalow village;
 - a healthy environment to live, work and raise a family;*
 - a village rich in history and heritage, a socially resilient community and economically viable centre, providing a range of services to the people of the community and the surrounding area;*
 - nestled in the hills, surrounded by natural beauty and rich in ecological bio-diversity.*
- b. To establish appropriate controls and guidelines for the future development of the Bangalow Urban Release Areas;
- c. To provide an integrated framework for the development of the Bangalow Urban Release Areas including environmental protection requirements, road and pedestrian networks and residential densities;
- d. To provide for a range of residential lot sizes that will achieve affordable housing principles and improve housing choice to a broader population;
- e. To enhance biological diversity through the provision of buffers between the village and surrounding agricultural lands for environmental repair and enhancement of the creeks;
- f. To ensure that noise attenuation measures are put in place to reduce noise impact on residential areas from the Pacific Highway, with further measures being incorporated into future building design;
- g. To provide useable and well landscaped public and private open spaces to enhance the aesthetics and improve residential amenity of the locality;
- h. To ensure safe and accessible pedestrian and cycle paths are an integral part of the new residential areas and that these paths link to existing and proposed networks.

Map 1: Area plan of the Bangalow Urban Release Areas



1.3 Exempt and Complying Development & the Codes SEPP

The provisions of this Chapter of the DCP do not apply to Exempt and Complying Development that is governed by the Byron LEP 1988, or to development that is governed by [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#) (the 'Codes SEPP'). Under the [Codes SEPP](#), certain development can be either exempt development or complying development.

1.4 Other NSW Government Statutes

Apart from the [NSW Housing Code and the Codes SEPP](#), various other statutory initiatives of the NSW Government may supplement, amend or override the controls in Byron LEP 1988 and this DCP. For example [State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#) specifies provisions aimed at achieving sustainable residential development.

It is recommended that before preparing to undertake or to seek approval for development you should contact the [NSW Department of Planning](#) to confirm whether or not the provisions of other Planning Instruments or statutes supplement, amend or override the controls in Byron LEP 1988 and this DCP. Council's Duty Planner is also available to assist with this information.

1.5 Relationship to other Planning Documents

This Chapter will be used by Council to assess development applications that are lodged within the Bangalow Urban Release Areas. It is envisaged that the controls contained within this Chapter will be included in the Combined DCP once that document is complete.

This Chapter is to be read in conjunction with a number of other plans and instruments that may be relevant to development of the land.

At the time of compiling this Chapter these include:

- *North Coast Regional Environmental Plan*
- *Byron Local Environmental Plan 1988*
- *Byron Development Control Plan 2002*
- *Byron Development Control Plan No. 12 (Bangalow)*
- *Development Control Plan No. 17 – Public Exhibition and Notification of Development Applications*

Where an inconsistency arises between this Chapter and any environmental planning instrument applying to the same land, the provisions of the environmental planning instrument prevail to the extent of the inconsistency. An environmental planning instrument means a Local Environmental Plan, a State Environmental Plan or a Regional Environmental Plan.

This chapter has been prepared to address Council's policies and guidelines for the development and environmental management of land within the Bangalow Urban Release Areas. This Chapter must be read in conjunction with Chapter 1 and Chapter 12 of DCP 2010 which specifies Council's objectives, guidelines and development standards not covered by this chapter. Where an inconsistency arises between this Chapter and any other Chapter applying to the same land, the provisions of this Chapter apply to the extent of the inconsistency.

1.6 Commencement date

This plan shall be effective from 19 May 2011 being the date on which Council formally notified the public in the local newspaper.

1.7 Key terms used in this Chapter

- “**DCP**” means the Byron Shire Development Control Plan that contains a number of chapters (refer to Section 1.5)
- “**SEDA**” means the Sustainable Energy Development Authority that was created by the NSW Government to reduce the level of greenhouse gas emissions in NSW
- “**Mews allotments**” are residential lots intended to be subdivided in the conventional way, but constructed in packages rather than as individual dwellings. The mews lots would typically have areas between 400m² and 500m².

The definitions of some of the other land use terms and descriptions used in this Chapter may be found in:

- Clause 5 of *Byron Local Environmental Plan 1988*
- Section 4 of the *Environmental Planning and Assessment Act 1979*
- the standard local environmental planning instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*

1.8 Can the requirements of the Chapter be varied?

Every development proposal must meet the Plan and Element Objectives. This will usually be achieved by meeting the prescriptive measures for each element. The prescriptive measures are requirements that Council considers are likely to meet the objectives and performance criteria of the particular control element. Alternatively Council may be prepared to approve development proposals that are demonstrated to meet both the element objectives and the performance criteria. This provision enables the development of innovative schemes that meet the particular characteristics of an individual site. Depending on the nature of the variation, Council may choose to exhibit the application for public comment prior to determining the variation.

2. DESIGN PRINCIPLES

2.1. Desired Future Character

This section identifies the range of design principles that form the basis of this Chapter. The design principles for subdivision layout and construction have been chosen to ensure that the development of the Bangalow Urban Release Areas attains energy and sustainability principles and facilitates an amenable walkable residential environment.

Overall the Bangalow Urban Release Areas will reflect the existing village. A village strongly influenced by its elevated valley topography and proximity to Byron Creek and its environs. The new areas will respect and reflect the natural environment and the heart of the historic village. The new release areas will offer a range of residential housing which is energy efficient, liveable and environmentally sensitive in terms of key urban design objectives. This character will be achieved by way of the following:

- a. Street Design – The Bangalow Urban Release Areas will include a hierarchal streetscape layout that will define key locations and accesses. The areas will utilise existing arterial road networks. Minor streets that provide access to a limited number of residences will be treated to accommodate local traffic but provide preferential treatment to pedestrian movement and cycling. Streets will have a strong visual character, adopt Water Sensitive Urban Design (WSUD) principles, incorporate appropriate indigenous plant species and contribute to the overall “character” of the village. Street trees will become a dominate element in the streetscape. Healthy, established urban trees provide a long term legacy for the community. Many of the most memorable streets and localities can attribute their noteworthy status to the presence of large healthy trees. The street network will be designed to be permeable and minimise cul-de-sacs. Streets will be orientated to maximise views to the rural hinterland and connections to parks.
- b. Natural Environment - The preservation and enhancement of the natural environment is paramount for the Bangalow Urban Release Areas. Remnant bushland, wetland and riparian vegetation are to be retained where possible and enhanced as significant natural features within the land. Environmental buffers will be established between natural areas and urban subdivision as an integral part of the development. These buffers will be planted with species indigenous to the Bangalow area.
- c. Water Sensitive Urban Design - Development will incorporate an integrated approach to Water Sensitive Urban Design (WSUD) principles including swales, bio-retention systems and infiltration areas to improve water quality and maximise opportunities for at source controls. This approach includes incorporating WSUD in all areas of the public realm including streetscapes and public open spaces.
- d. Pedestrian and Cycling Linkages - Development of the areas will include a comprehensive series of safe pedestrian and shared ways that pass through parks creating opportunities for impromptu meeting places and to allow for movement to key locations within and beyond the areas. Pedestrian nodes and pedestrian crossings will be defined by landscape treatments. Pathways will include shade trees, seating nodes, feature planting and signs to encourage and enhance the use of the pathway system. Pathway treatments will be appropriate to the intended use and setting.
- e. Solar Access - Allotments will be arranged to promote solar benefits. Dwelling houses will be sited and designed to reflect the climate of the region and promote a

distinctive image that complements the north coast lifestyle and contributes to a sense of place. A range of housing options (e.g. medium density, dual occupancies, mews, integrated housing and single detached dwellings) will be provided to encourage a vital mixture of household types and lifestyles. A range of lot sizes will be provided that will be responsive to topographic constraints and to affordable housing principles.

- f. Communal Gardens – Provision of communal gardens on private land is encouraged within all of the Bangalow Release Areas to help facilitate local production of food. Land should be allocated for communal gardens in any size to provide local residents with opportunities for social interaction and to reduce food miles.

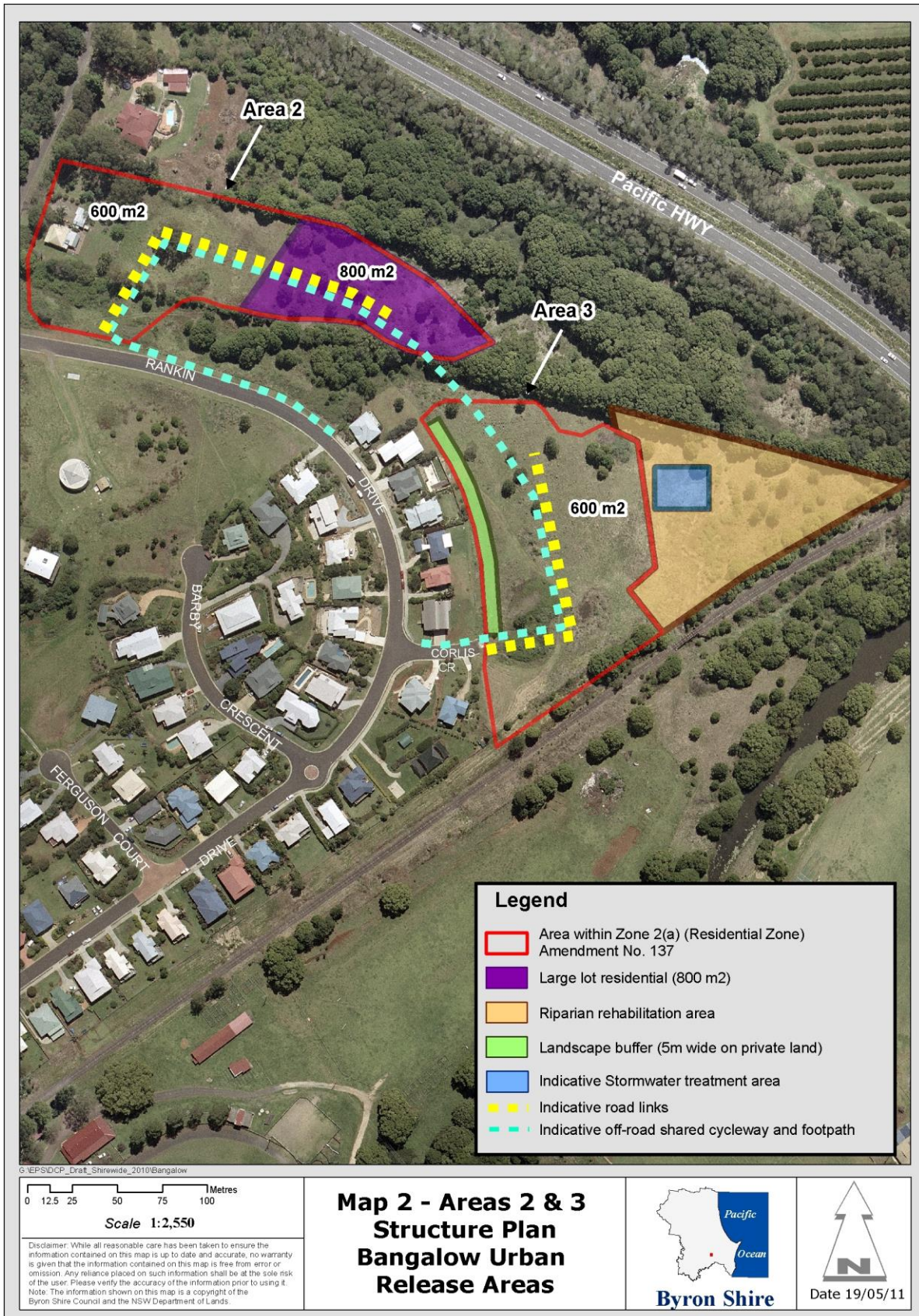
2.2. Urban Release Plan – Structure Plans

The Urban Release Plan – Structure Plans (See Maps 2 - 6) identify the proposed key components of the Bangalow Urban Release Areas and were formulated having regard to the constraints and opportunities of the land. The key components comprise:

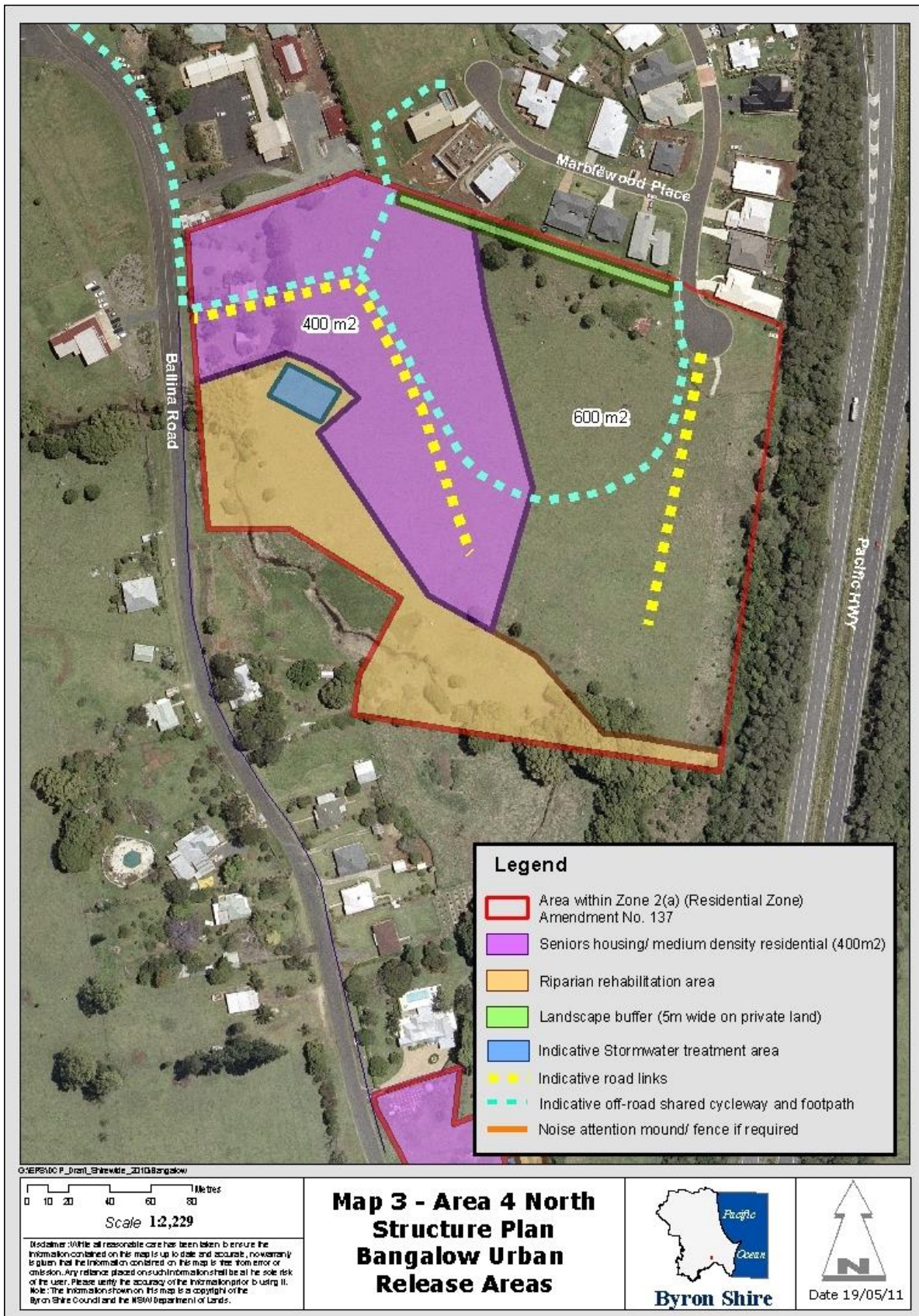
- Residential precinct boundaries;
- Indicative road links to the existing street network;
- Pedestrian and shared path linkages;
- Conservation and rehabilitation areas;
- Visual buffers; and
- Active and passive open space.

The Structure Plans set the broad framework or “blueprint” for the future development of the Bangalow Urban Release Areas. All development applications must include an assessment of conformity with the framework established by the Structure Plan.

Map 2: Structure Plan for Areas 2 & 3



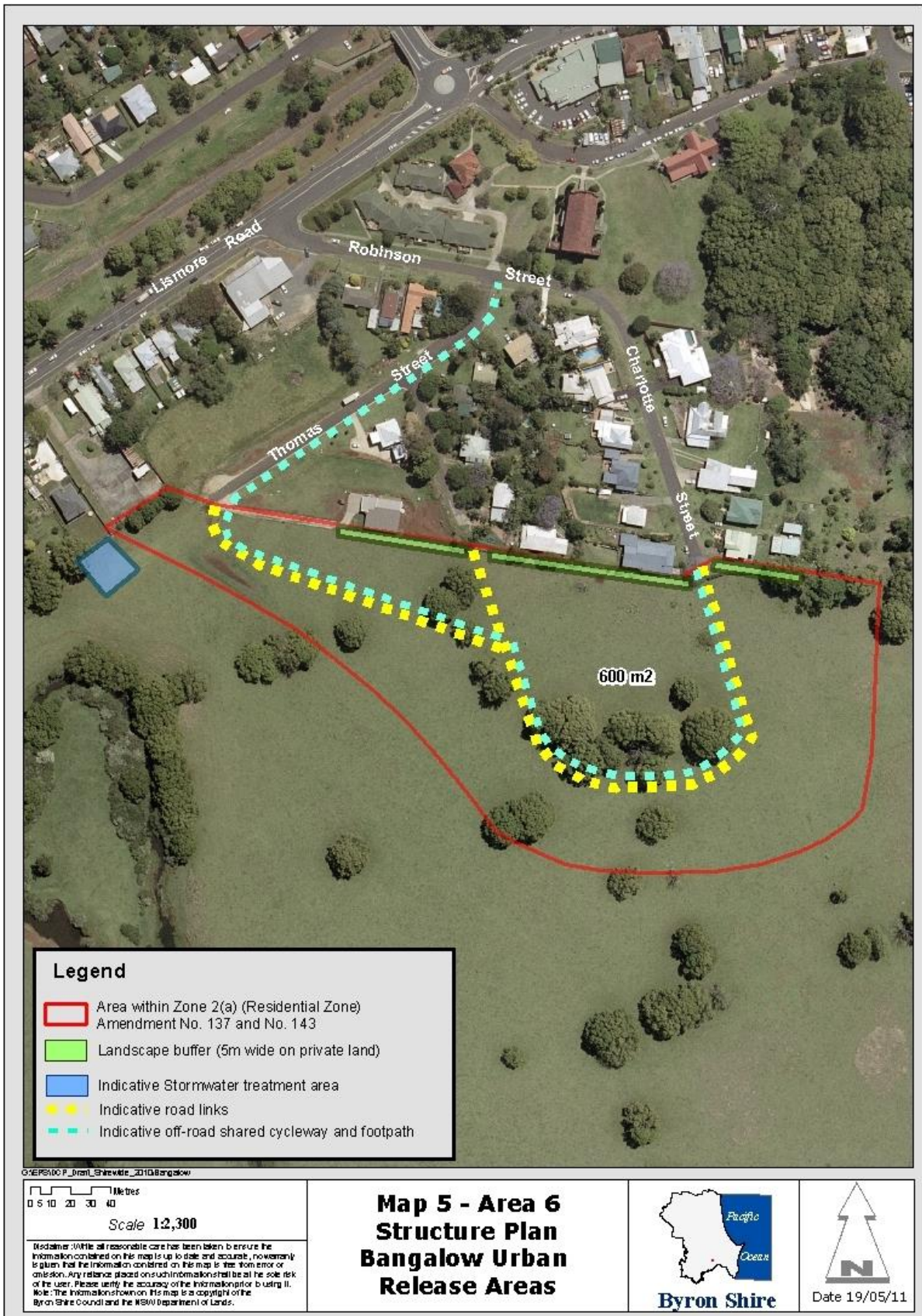
Map 3: Structure Plan for Area 4 (North)



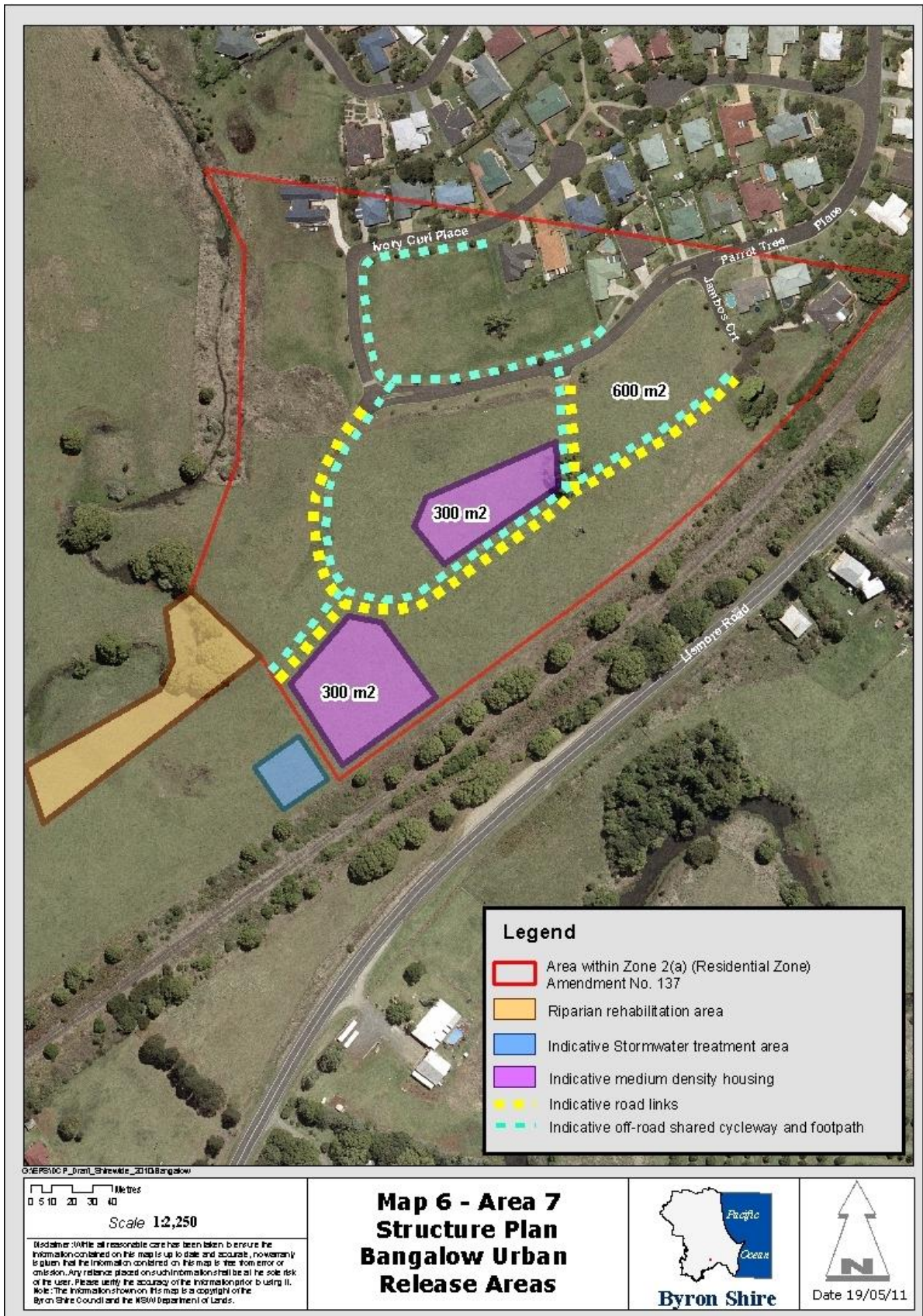
Map 4: Structure Plan for Area 4 (South)



Map 5: Structure Plan for Area 6



Map 6: Structure Plan for Area 7



3. SUBDIVISION STANDARDS

The matters detailed in Section 3 are to be addressed and complied with in the preparation of any development application for subdivision of the Bangalow Urban Release Areas.

3.1. Element - Residential Densities

Element Objectives

- *To encourage a range of housing types to ensure the objectives of Zone No 2 (a) (Residential Zone) are fulfilled,*
- *To encourage medium density residential development so as to fulfil an identified gap in the provision of this type of housing ensuring the density of housing is site responsive in terms of environmental constraints.*

Performance Criteria

Each development application for subdivision is required to individually demonstrate compliance with the density targets for each precinct. This Chapter does not prohibit nor preclude the development of other less traditional forms of housing development (eg. Community Title developments, Mews allotments) in any of the Bangalow Urban Release Areas. In proposing alternative forms and types of development, the density provisions contained in this Chapter must be achieved.

The concentration of medium density, dual occupancy and other “non-standard residential lots” is not encouraged in cul-de-sacs unless it can be demonstrated that the residential amenity of the cul-de-sac will not be detrimentally impacted upon by traffic generation and on-street car parking.

Prescriptive Measures

The residential density target for each precinct is as follows:

- Standard Residential Precincts: 600m² Lots. Land identified as being least constrained and is to be characterised by smaller residential lots. Parts of the development of this land may include dual occupancy and “non-standard” residential allotments such as “mews allotments”.
- Large Lot Residential Precinct (Area 2): 800m² lots. This land is constrained by slope and is to be characterised by larger lots. Development applications for subdivision in this area should nominate building envelopes designed to minimise cut and fill on the site.
- Medium Density Residential Precincts: 300m² to 400m² Lots. Certain land within Area 4 North and South and Area 7 has been identified as suitable for medium density development. In Area 4 North the minimum lot size is 400m² and in Area 4 South and Area 7 the minimum lot size is 300m².

3.2. Element - Lot Design

Element Objectives

- *To ensure that residential lots are capable of accommodating a range of housing types which provide pleasant streetscapes, maximise energy efficiency and mitigate environmental impacts.*

Performance Criteria

Lot sizes and configurations must be varied to provide a mix of allotment types which create an efficient allotment layout, create pleasant streetscapes and encourage a variety of housing types.

Lots must be configured to account for significant natural landscape elements or constraints and mitigate environmental impact.

Prescriptive Measures

The design of lots must be undertaken to meet the following measures:

- a. The design and orientation of all residential lots within the Bangalow Urban Release Areas is to be undertaken in accordance with SEDA's *Solar Access for Lots – Guidelines for Residential Subdivision in NSW*.
- b. Any development application for residential subdivision (not including Strata Title subdivision) within the Bangalow Urban Release Areas is to provide detail of compliance with Steps 1-6 in the SEDA guideline.
- c. A detailed geotechnical report is to be provided with each development application for subdivision of land with a slope greater than 15%. This report is to make recommendations with respect to construction methods and dwelling envelopes.
- d. Where the slope of the land is greater than 25%, concept details of proposed lots, extent of cut and fill, roads and accesses are to be provided. Building envelopes must be identified. This may need to be controlled by restrictions on the titles of individual lots.

3.3. Element - Buffers and Environmental Corridors

Element Objectives

- *To enhance biological diversity and ensure that adjoining riparian corridors are rehabilitated as the urban areas expand.*
- *Provide visual screening for existing residential development.*

Performance Criteria

The following types of buffers and environmental corridors apply to the subdivision of lots within the Bangalow Urban Release Areas:

- a. **Environmental Buffers** – The rezoning process for the release areas included the protection and buffering of the natural environment. These are to be provided as formal buffer areas.
- b. **Visual Buffers** – In certain areas existing houses have not been designed to account for the now proposed adjoining residential development. As such a narrow planted visual buffer must be provided between the existing and proposed residential development.
- c. **Riparian Corridor** – A riparian corridor must be rehabilitated adjacent to the new residential areas.

Prescriptive Measures

The following measures apply to buffers and environmental corridors.

- a. Environmental Buffers, Visual Buffers and Riparian Corridors must be established in accordance with the Structure Map;
- b. All planting is to be of species indigenous to the site or local area in accordance with Chapter 1 Part H – Landscaping;
- c. The Visual Buffer should consist of a screen of shrubs and/or trees. Trees must be selected with varying mature heights as appropriate to achieve the required visual barrier between existing and proposed development while not unduly restricting

solar access to buildings and private open space. The buffer area must be established as an integral part of the development of land adjoining that buffer area at no cost to Council;

- d. Environmental Buffers and Riparian Corridors will be subject to the following requirements:
- The corridor or buffer area must be established as an integral part of the development of land adjoining that corridor at no cost to Council;
 - An outline of a Vegetation Rehabilitation and Management Plan for the corridor must be prepared and submitted with the relevant development application. Planting and maintenance details are to be submitted as part of this material;
 - Installation and maintenance of erosion and sedimentation controls;
 - Weed eradication and control; and
- e. Protective fencing is to be erected around individual and vegetation clusters to limit disturbance caused by earthworks during the construction of the subdivision. The protective fencing is to be installed to a minimum distance of the 'drip line' and maintained for the duration of the civil works.

3.4. Element - External Road Works

Element Objectives

- *To ensure that the immediately surrounding roads are upgraded to an appropriate level of service as the new areas are developed.*

Performance Criteria

The external roads in the immediate vicinity of each release area are to be upgraded to ensure the old roads merge with the new roads and will provide the required level of service to link to the nearby road network.

Prescriptive Measures

The developers will be responsible for the construction of the following roadworks external to the release areas. Such works are to be completed as part of the subdivision of the land. All works are to be in accordance with Council's adopted Engineering Guidelines:

Areas 2 and 3:

1. The section of Granuaille Crescent from Granuaille Road to Rankin Drive is to be resealed in accordance with the existing width and alignment.

Area 4 North:

1. Ballina Road is to be upgraded between the proposed new intersection and Bangalow Road to accommodate the additional traffic generated from the new subdivision.

Area 6:

1. Thomas Street and Charlotte Street are to be upgraded to Council's standards to accommodate future traffic generated from the new subdivision,

3.5. Element - Internal Road Works

Element Objectives

- *To create liveable streets with unique characters and a new enhanced provision of landscaping.*
- *To create a street network that is permeable for motorists, cyclists and pedestrians.*
- *To create streets that give preference to pedestrians and cyclists over cars.*

Performance Criteria

The following design principles apply to the design of the new internal roads:

- a. The street network is to be inter-connected so that neighbourhoods provide directional choice for users.
- b. Connectivity of open and public space for cycle and pedestrian access be to link neighbourhoods by the shortest possible route (especially in the case of cul-de-sacs) and not necessarily dependent on the road network.
- c. Culs-de-sac: if they are to be used their length is to be limited so the end point is visible from the access point to prevent drivers inadvertently turning into a dead-end.
- d. Where land slopes at a grade of 6% or more the predominant street alignment must be perpendicular to contours so as to avoid high and low side lots.
- e. Terminate streets with views that make the most of the special features of a site or enhance its character (such as a park, a stand of mature trees, distant hills, water or significant building).
- f. Footpaths must be 1.5 metres wide to allow pedestrians (including those with prams and ambulant disabled people) to walk two abreast and pass each other.
- g. Provide for cycle and pedestrian access directly to open space areas to encourage public use.
- h. The design of street lighting and landscaping is to be integrated to avoid conflicts, such as tree canopies that block light spill to the street.
- i. The street is to be design so it is very apparent where each activity is to occur: from walking for pedestrians, to where parking is encouraged and where the vehicle carriageway occurs (See sample photo below). The street is to be designed to give preference to pedestrians and cyclists over cars. This is to be done by:
 - 1) Providing delineated on-street parking. Ingle parking bays should be avoided as they tend to be inefficient and more difficult to park in.
 - 2) Providing wide verges to reinforce the pedestrian zone.
 - 3) Planting street trees at regular spacing within the carriageway and / or verge.
 - 4) Street layouts to feature street furniture and landscaping such as raingardens be incorporated to slow vehicles

These design principles are based on the Landcom Street Design Guidelines, please refer to these guidelines to clarify the design criteria.

Area 7:

The streets in Area 7 should continue the existing street design with regards to the concrete edging, grass swales etc. This existing street design will be enhanced following the principles above with better defined car parking areas, pedestrian separation and more extensive landscaping.



This example shows a suitable verge width inclusive of street trees which act as a buffer between users of the footpath. (Source: Landcom Street Design Guidelines)

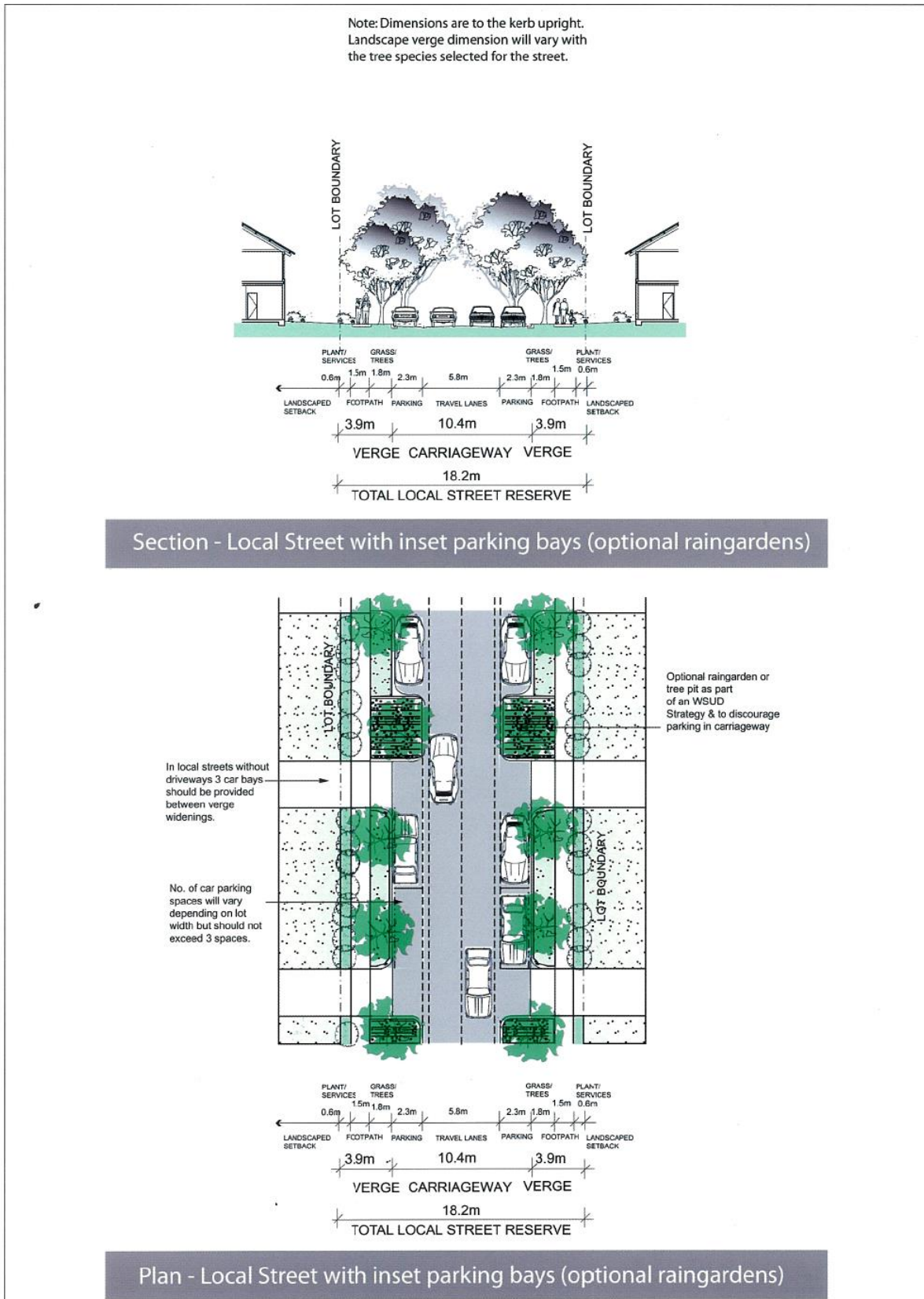
Prescriptive Measures

- a. The design and hierarchy of internal roads is to be in accordance with the requirements set out in the Northern Rivers Local Government 'Development and Design Manual' unless other details are specified below.
- b. Road widths are to be consistent with *Element B6.1 Road Design and Construction of DCP 2002* or Council's updated guidelines.

Type of Road	Minimum width of road reserve	Minimum width of carriageway
Local access road serving more than 15 lots	17 m	8 m
Minor access road serving no more than 15 lots (including 2 corner lots)	15 m	6 m

- c. The developers will be responsible for the construction of all internal roads. All roads will be dedicated to Council as public roads. Upon dedication and at the end of the maintenance period, Council will be responsible for the on-going maintenance of the roads.
- d. Formal concrete footpaths are to be provided as part of any new local road network.

Figure 1: Local Street Trees with inset parking bays with raingardens preferred
 source: Landcom



3.6. Element - Pedestrian/ Bicycle Networks

Element Objectives

- *To assist in the delivery of Council's adopted Bike Plan where possible.*
- *To provide an enhanced level of facilities for cyclists and pedestrians in the new urban release areas.*
- *To ensure cycling facilities in the new urban release areas integrate and connect with the existing and proposed Bangalow wide bicycle network.*

Performance Criteria

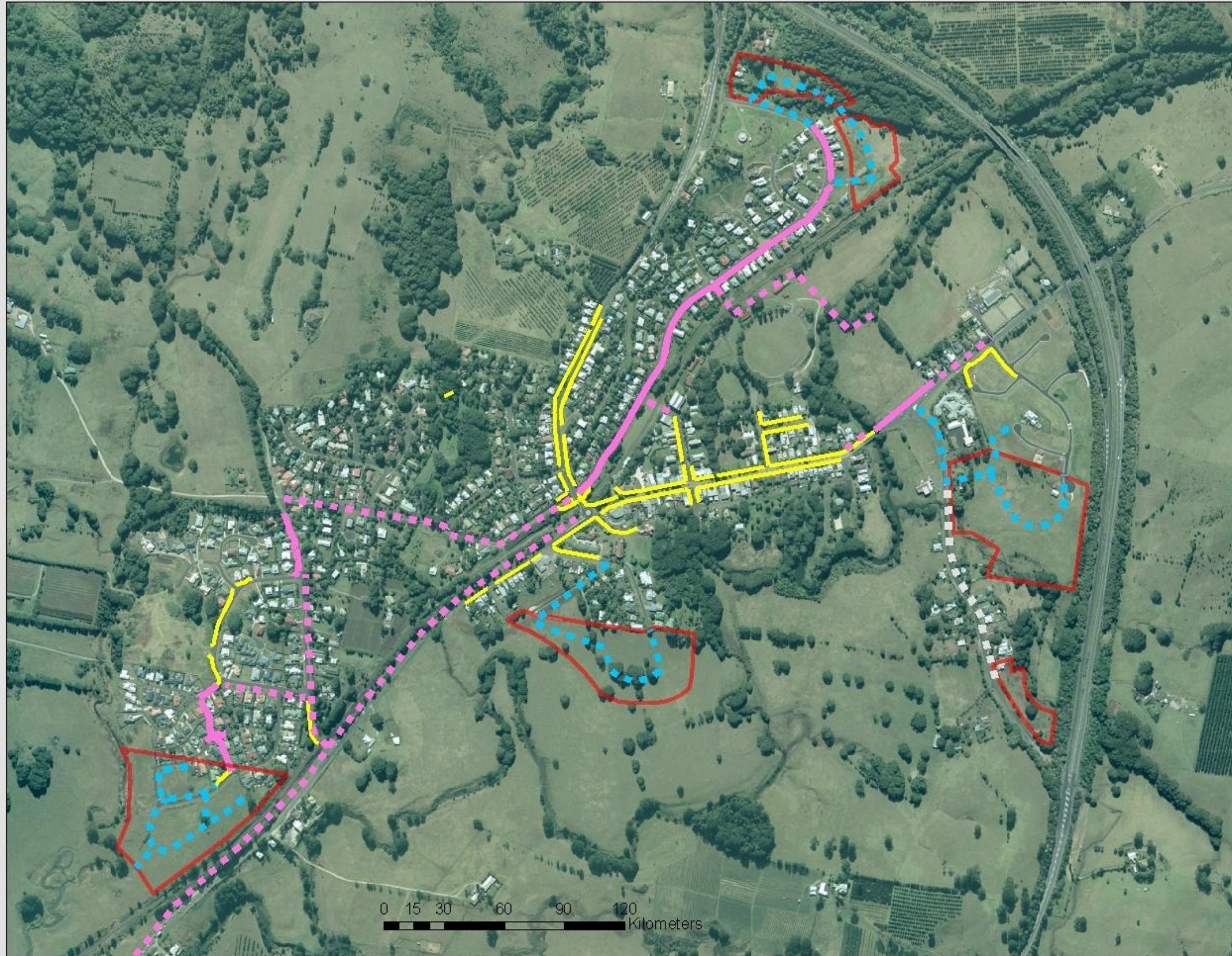
Many of the release areas will be the furthest from the village centre so it is essential that adequate bicycle networks are provided. An integrated network of pedestrian/ cycle paths must be provided throughout the Bangalow Urban Release Areas such that it provides safe, convenient and direct access to, from and within the residential areas. The major existing and proposed networks in Council's adopted Bike Plan are shown in Map 7 below. Any proposed internal pathway network must be linked to the adjacent external existing or proposed network in Bangalow.

Prescriptive Measures

The following provisions relating to pedestrian/ bicycle networks apply to the subdivision of lots within the Bangalow Urban Release Areas:

- a. Pathways are to be designed and constructed in accordance with the relevant Australian Standards including but not limited to: Austroads Guidelines and RTA NSW Bicycle Guidelines.
- b. Pedestrian/ cycle paths must link up to existing or proposed networks as delineated in Map 7.
- c. Pedestrian and bicycle routes must be continuous and well lit. Appropriate street crossings must be provided.
- d. Pathways within road reserves and at the end of cul-de-sacs must be of concrete construction. Pathways within open space and/or environmental protection areas may be sealed with a smooth even bitumen surface.
- e. The system must be designed so that conflict points with vehicles and travel distances are minimised. The pathway system may in some cases perform a drainage, service and/or access corridor function for public infrastructure supply.
- f. Pedestrian pathways are also to be provided and integrated throughout the passive open space areas. They must be designed with the minimum possible grades to permit walking and access to the maximum possible extent.

Map 7. Bangalow Existing and Proposed Footpaths & Cycleways



LEGEND

Existing Paths (as per Bike Strategy 2008)

- Shared cycleway and footpath
- Footpaths (not shared)

Future Paths (as per Bike Strategy 2008)

- - - Shared cycleway and footpath

Proposed Paths (as per DCP chp. 22)

- - - Cycleway/Footpath
- - - Indicative on-road bicycle route
- ▭ Area within Zone 2(a) (Residential Zone) Amendment No. 137 and No. 143

Disclaimer : While all reasonable care has been taken to ensure the information contained on this map is up to date and accurate, no warranty is given that the information contained on this map is free from error or omission. Any reliance placed on such information shall be at the sole risk of the user. Please verify the accuracy of the information prior to using it. Note : The information shown on this map is a copyright of the Byron Shire Council and the NSW Department of Lands.



3.7. Element - Infrastructure Provision

Element Objectives

- *To ensure all contemporary services are provided to each release area in a timely manner.*

Performance Criteria

Subdivisions must have adequate provision of contemporary services with minimal impact on the environment. Compatible public utility services must be provided in common trenching wherever practical to minimise construction costs, soil erosion and land allocation for underground services.

Prescriptive Measures

The following general provisions relating to infrastructure provision apply within the Bangalow Urban Release Areas:

- a. Infrastructure required for future development must generally comply with the requirements of the Northern Rivers Local Government Development and Design Manual.
- b. Sewerage infrastructure (location of pump stations) must be provided based on the following principles:
 - Conventional gravity system with major pump stations;
 - Major infrastructure (pump stations) being situated on public land;
 - Conventional gravity sewer mains being generally situated on private property;
 - The use of temporary infill infrastructure to service staged development and land release (if required); and
 - The use of temporary infill infrastructure measures to facilitate staged development and land release
- c. All lots used for urban purposes must be connected to the reticulated domestic water supply system.
- d. Electricity supply is to be provided to each allotment in the Urban Release Areas by the appropriate electricity supply authority via an underground reticulation system. Pad mounted sub-stations are to be located clear of future dwelling houses.
- e. Telephone services must be made available to each allotment by the appropriate telecommunications supply authority via an underground reticulation system. Provision must also be made for *Telstra Smart Community* facilities to the subdivision.

Note: For stormwater provision see the separate Element below.

3.8. Element - Stormwater Management

Element Objectives

- *To ensure contemporary provision is made to limit, control, reuse and treat stormwater.*

Performance Criteria

Effective stormwater management is critical to the future development of the Bangalow Urban Release Areas to ensure that the quantity and quality of run-off is such that it will have minimal impact upon the down stream environment.

Prescriptive Measures

Stormwater management must be designed and constructed in accordance with Council’s adopted Engineering Standards and Chapter 1 Part N – Stormwater Management. The following provisions apply to the subdivision of lots within the Urban Release Areas:

- a. A Soil and Water Management Plan (SWMP) and an Erosion and Sediment Control Plan (ESCP) are to accompany each development application for residential subdivision (excluding Strata Title subdivision). These plans are to define the specific stormwater treatment and management objectives for both the construction and operational phases of the development and are to be generally consistent with the principles and measures contained in this Section.
- b. Stormwater treatment and disposal must not rely solely on any end of line facility. A treatment train must be proposed that incorporates a range of facilities inclusive of measures, where appropriate, within the road system. Best management practices include dispersion techniques such as dissipaters, litter and debris control traps and associated trunk line drainage structures in controlling sediment and reducing phosphate/nitrate levels. Where possible and practicable, these structures are to be designed sympathetic to the surrounding environment and constructed of natural materials such as boulders and rock features and landscaped. (See examples below)
- c. Any detention areas for stormwater must be designed and fenced in accordance with Council’s adopted Guidelines
- d. The existing stormwater detention area within Area 7 is to be upgraded to comply with the above standards.-

Examples of Water Sensitive Urban Design	
	
Sapphire Beach, Coffs Harbour NSW	Sapphire Beach, Coffs Harbour NSW
	
The Boardwalk, Mt Coolum Qld	Bangalow

3.9. Element - Landscaping

Element Objectives

- To ensure high quality streetscapes.
- To ensure that street trees become the dominant element in the streetscape.

Performance Criteria

Sufficient trees must be planted in public areas to ensure that when mature the trees will be the dominate element creating an appealing visual quality to streetscapes and parklands. Trees must be located to ensure that there is a sufficient quantity and quality of soil within the anticipated root zone to support the intended mature tree.

Trees must be located to minimise infrastructure and functional conflicts. For example trees must be so located that streetlights are not being blocked by the tree canopy or car doors will not opened onto tree trunks.

The location of street trees must optimise passive watering and integrate with water sensitive urban design (WSUD) initiatives. These design principles are based on the Landcom Street Tree Design Guidelines and should be utilised to clarify the design criteria.

Prescriptive Measures

The following provisions relating to landscaping apply to the subdivision of lots within the Bangalow Urban Release Areas:

- a. A conceptual landscaping plan is to be prepared by a professional landscape architect and lodged with any development application for subdivision within the Bangalow Urban Release Areas. Such a plan is to be prepared in accordance with the landscaping requirements of this Chapter and *Chapter 1 Part H – Landscaping*.
- b. Plant species selection must be based on the indigenous species occurring on and around the land. Landscape treatments must:
 - Create a strong overall landscape character to the entire site;
 - Define individual precincts relative to their natural surrounds e.g. riparian species near drainage lines;
 - Define key vehicular routes;
 - Be designed to slow road traffic;
 - Enhance pathways and cycleways;
 - Define key vehicular and pedestrian nodes and locations;
 - Be incorporated as part of an integrated approach to WSUD;
 - Be consistent with contemporary mosquito management;
 - Provide for user comfort of public spaces e.g. with shade trees;
 - Provide for the safe use of public spaces e.g. maintaining surveillance of parks;
 - Have sufficient quantity and quality of soil within the anticipated root zone to support the intended mature tree;
 - Be designed to minimise maintenance;
 - Include the removal of any environmental and noxious weeds;
 - Improve opportunities for wildlife habitat and movement corridors;
 - Conserve and enhance riparian corridors; and
 - Provide buffers to vulnerable bushland edges.

- c. Street trees, when mature, must be a mixture of small (6-8m height with a 5m crown spread), medium (10-12m height with an 8m crown spread) and large trees (16-20m height with a 16m crown spread) depending on the space available. The canopy of the trees, when mature, must cover at least 25% of the public space (park, road or footpath).

3.10. Element - Fencing to Public Places

Element Objectives

- To ensure high quality streetscapes.
- To ensure any fencing to public areas is consistent with crime prevention strategies.

Performance Criteria

The following provisions relating to fencing to public places apply to the subdivision of lots within the Bangalow Urban Release Areas:

- a. Fencing must be integrated into the landscaping of any urban subdivision and is to be detailed in the landscaping plan. Fencing is to be compatible with and sympathetic to the desired character and context.
- b. Details of fencing to public places (including roads, open space and environmental protection areas) must be provided with any development application for urban subdivision.
- c. Highly visible fencing along roads and public places must be uniform in terms of design, height, materials and colours so that it presents attractively and consistently in the streetscape.
- d. The design and construction standard of any fencing must achieve the intended purpose of the fence. That is, if it is to be an acoustic barrier, it must be able to achieve the determined noise reduction targets.
- e. Fencing of the environmental protection zones along residential boundaries is to be such that it minimises impacts on natural habitats as far as practicable. Such impacts include disturbance resulting from weeds, domestic animals and human activities. Plans submitted will need to demonstrate that this objective is achieved. Such fencing must be built at the start of the subdivision process so as to limit encroachment during construction.

Prescriptive Measures

There are no Prescriptive Measures for this Element.

3.11. Element - Noise Attenuation

Element Objectives

- To ensure future residents are not subjected to excessive noise from the Pacific Highway

Performance Criteria

The subdivisions are to be designed so as to be consistent with the guideline *Environmental criteria for road traffic noise* May 1999 (or replacement guideline). Note that this guideline is about to be replaced by the NSW Road Noise Policy, which is presently in draft form.

Prescriptive Measures

Applications for subdivision within Areas 2, 3, 4 (North) and 4 (South) are to be accompanied by an acoustic report identifying any necessary measures (lot layout, building location, mounding, noise barriers, building design, building materials etc) to ensure future residents are not subject to unacceptable traffic noise from the Pacific Highway. The acoustic assessment is to be undertaken by a professional acoustic engineer.

The assessment is to be based on the following criteria from the *Environmental criteria for road traffic noise* May 1999 (or replacement guideline):

Time	Maximum Noise Level
DAY (7 am–10 pm)	L _{Aeq(15hr)} 55dB(A)
NIGHT (10 pm–7 am)	L _{Aeq(9hr)} 50dB(A)

As required by the guidelines the noise level is to be measured at 1 metre from the most exposed facade to traffic noise of each future dwelling (most likely position) and at a height of 1.5 metre above the likely floor level for that future dwelling.

The assessment is to include an outline of the necessary building design restrictions and materials that would need to be used to achieve an internal noise level of 40dBA at night.

In regard to Areas 2 and 3, the future relocation of the Pacific Highway may be taken into consideration as a factor in the acoustic assessment. The weight given to this factor will depend on how imminent and certain the relocation of the highway is at the time of approval of the subdivision.

The recommended noise attenuation measures are to be integrated into the design of the subdivision.

3.12. Element - Open Space Requirements

Element Objectives

- *To help engender a sense of community.*
- *To help to promote social interaction, community health and wellbeing.*

Performance Criteria

Each of the Bangalow Urban Release Areas needs to be within 400metres radius of a neighbourhood park. Map 8 shows the existing and proposed neighbourhood parks and their service areas. Such neighbourhood parks are to include a wide range of facilities.

Neighbourhood Parks need to be designed to meet the Crime Prevention through Environmental Design (CPTED) principles and Active Living criteria. Constructed facilities and amenities are to be provided to a level that is commensurate with the demands generated by that open space area.

Prescriptive Measures

A neighbourhood park with a usable area between 0.25 Ha and 0.5 Ha must be provided within Areas 6 and 7.

Neighbourhood parks are to be provided with the following facilities as a minimum:

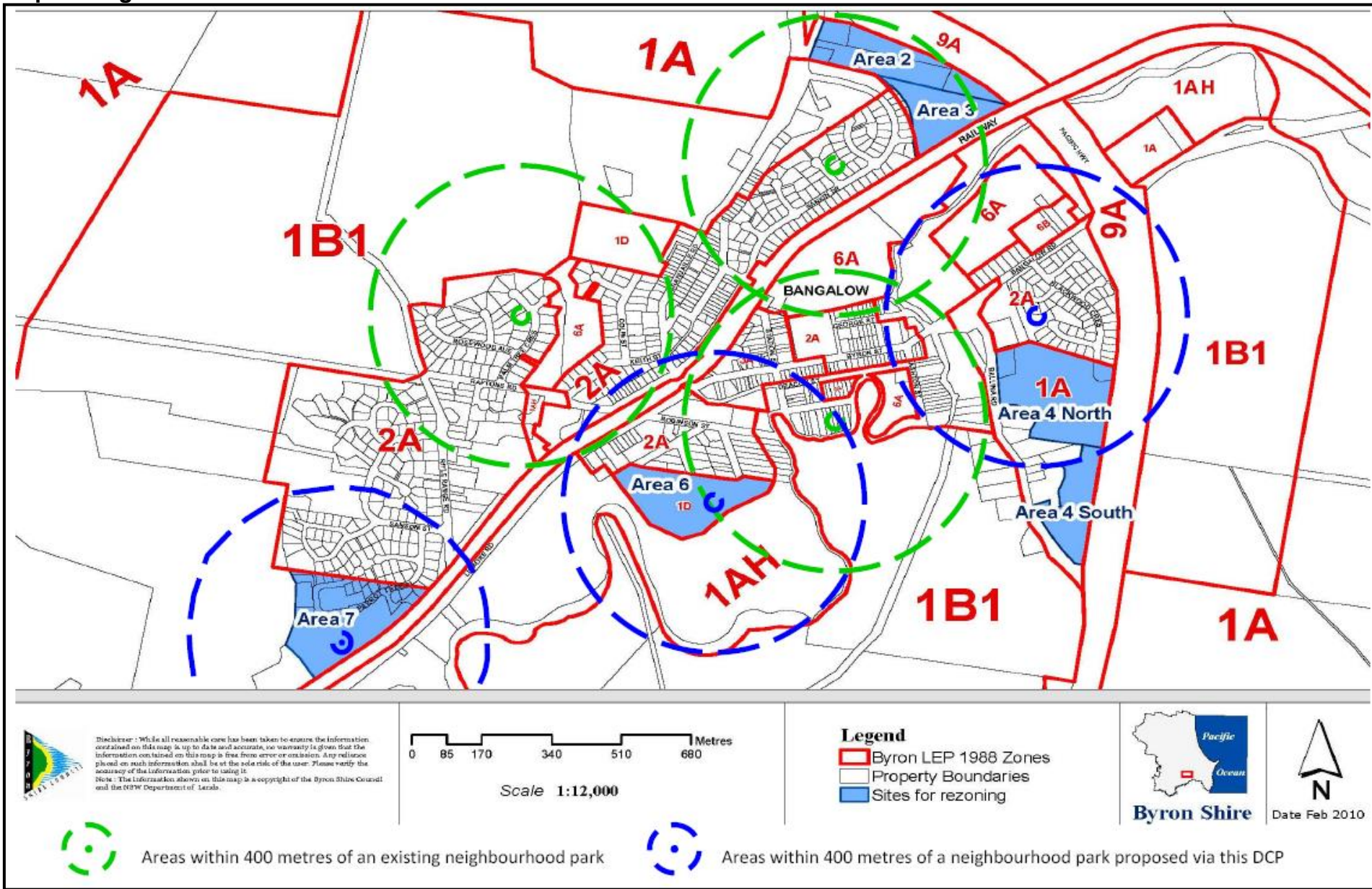
- Imaginative play and sensory stimuli areas/structures: providing opportunities for children to create their own play scenarios;
- Some form of ball play area (e.g. handball wall);
- Some conventional play equipment;

- Synthetic soft-fall surfaces in areas of high use;
- Ample supervising adult seating;
- An electric BBQ and two covered tables;
- A pathway network connecting to adjoining roads and
- Shade covers over all play equipment.

The existing neighbourhood parks in the vicinity of Areas 2 and 3 are to be upgraded to fulfil the above standards.

Developer contributions credits will be provide for the provision of new neighbourhood parks and enhancement of existing neighbourhood parks in accordance with Council's Development Contribution Plan.

Map 8: Neighbourhood Parks



REFERENCES:

1. *The Landcom Guidelines* May 2008 –
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2. *Environmental criteria for road traffic noise* May 1999 -
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3. *Solar Access for Lots - Guidelines for Residential Subdivision in NSW* Sustainable Energy Development Authority (SEDA): now Department of Environment, Climate Change and Water. A copy is available from the National Library of Australia via
http://pandora.nla.gov.au/pan/42713/20040617-0000/www.energysmart.com.au/brochures/Solar_Access_for_Lots_Guide.pdf
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