



New South Wales

# **Byron Local Environmental Plan 2014 (Amendment No 27)**

under the

**Environmental Planning and Assessment Act 1979**

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

**SHANNON BURT, DIRECTOR, SUSTAINABLE ENVIRONMENT AND ECONOMY  
BYRON SHIRE COUNCIL**  
As delegate for the local plan-making authority

## **Byron Local Environmental Plan 2014 (Amendment No 27)**

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### **1 Name of Plan**

This Plan is *Byron Local Environmental Plan 2014 (Amendment No 27)*.

### **2 Commencement**

This Plan commences on the day on which it is published on the NSW legislation website.

### **3 Land to which Plan applies**

This Plan applies to land in Zone B2 Local Centre under *Byron Local Environmental Plan 2014*, being Byron Bay town centre.

### **4 Maps**

The maps adopted by *Byron Local Environmental Plan 2014* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this Plan.

## **Schedule 1      Amendment of Byron Local Environmental Plan 2014**

### **[1]    Clause 4.3A Exceptions to height of buildings**

Insert after clause 4.3—

#### **4.3A    Measurement of height of buildings**

- (1) The objectives of this clause are—
  - (a) to align building height and flood planning provisions within Byron Bay town centre, and
  - (b) to provide for a consistent point of reference for the measurement of building heights in flood prone areas.
- (2) This clause applies to land identified as “Minimum Level Australian Height Datum (AHD)” on the Building Height Allowance Map.
- (3) The maximum height of a building on land to which this clause applies is to be measured from the minimum level AHD permitted for that land on the Building Height Allowance Map.

### **[2]    Clauses 6.13 and 6.14**

Insert after clause 6.12—

#### **6.13    Design excellence—Byron Bay town centre**

- (1) The objective of this clause is to ensure that development exhibits design excellence that contributes to the natural, cultural, visual and built character values of Byron Bay town centre.
- (2) This clause applies to development involving the erection of a new building or alterations to an existing building on land identified as “Design excellence” on the Design Excellence Map.
- (3) Development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence.
- (4) In considering whether the development exhibits design excellence, the consent authority must consider whether—
  - (a) the building incorporates sustainable design principles, including in relation to the following—
    - (i) sunlight,
    - (ii) natural ventilation,
    - (iii) wind,
    - (iv) reflectivity,
    - (v) visual and acoustic privacy,
    - (vi) safety and security,
    - (vii) resource, energy and water efficiency, durability and adaptability, and
  - (b) a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved, and
  - (c) the proposed development responds well to the environmental and built characteristics of the site and achieves an acceptable relationship with other buildings on the same site and on neighbouring sites, and

- (d) the form and external appearance of the development will improve the quality and amenity of the public domain, including by encouraging social activity and casual surveillance in public places, streets and laneways, and
  - (e) the configuration and design of public access and communal recreational areas within the residential areas—
    - (i) incorporate exemplary and innovative treatments, and
    - (ii) promote a sociable village atmosphere, and
  - (f) the development minimises street clutter and provides ease of movement and circulation of pedestrian, cycle, vehicular and service access, and
  - (g) the development coordinates shared utility infrastructure and waste management to minimise disruption at street level in public spaces, and
  - (h) the development appropriately addresses the following matters—
    - (i) heritage issues and streetscape constraints,
    - (ii) minimisation of bulk and massing, and modulation of, buildings,
    - (iii) pedestrian, cycle, vehicular and service access and circulation requirements.
- (5) In addition to subclause (3), development consent must not be granted to the following development unless the Byron Design Excellence Panel has endorsed the development as exhibiting design excellence—
- (a) the erection of a new building,
  - (b) alterations or additions to an existing building that—
    - (i) result in an increase of 500 square metres or more in the gross floor area of the building, or
    - (ii) change the use of 500 square metres or more of gross floor area of the building,
  - (c) development that is declared under *State Environmental Planning Policy (State and Regional Development) 2011* to be regionally significant development for the purposes of the Act,
  - (d) development that involves 10 or more dwellings,
  - (e) development that involves alterations or additions to, or demolition of, a heritage item,
  - (f) development for the purposes of pubs, small bars or function centres.
- (6) In this clause—

***Byron Design Excellence Panel*** means a panel, consisting of 2 or more persons, established by the consent authority for the purposes of this clause.

#### **6.14 Active street frontages in Byron Bay town centre**

- (1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street and laneway frontages in Byron Bay town centre.
- (2) This clause applies to land identified as “Active street frontages” on the Active Street Frontages Map.
- (3) Development consent must not be granted to the erection of, or external alteration to, a building, or the change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection, alteration or change of use.

- (4) This clause does not apply to an alteration that the consent authority considers to be minor.
- (5) Despite subclause (3), an active street frontage is not required for a part of a building that is used for the following—
  - (a) entrances and lobbies,
  - (b) access for fire services,
  - (c) vehicular access.
- (6) In this clause, a building has an *active street frontage* if—
  - (a) all premises on the ground floor of the building facing the street or a public space are used for the purposes of business premises or retail premises, and
  - (b) the street frontage of the building enables direct visual and physical connection between the street and the interior of the building, and
  - (c) all premises on the ground floor are built to the boundary or are built to create a continuous building edge with adjoining commercial premises, and
  - (d) the street frontage of each premises on the ground floor of the building facing the street is not greater than 20 metres, and
  - (e) parking, or loading and unloading, areas that are above ground level are not located at the front of the site.

### [3] Dictionary

Insert in alphabetical order—

***Active Street Frontages Map*** means the Byron Local Environmental Plan 2014 Active Street Frontages Map.

***Building Height Allowance Map*** means the Byron Local Environmental Plan 2014 Building Height Allowance Map.

***Design Excellence Map*** means the Byron Local Environmental Plan 2014 Design Excellence Map.