

Attachment A:

DRAFT

AH LEP Provisions and Related Maps

Byron Shire Council

Option 1 & Option 2

DRAFT
BYRON LEP PROVISIONS
(Affordable, Aged and Disability Housing)

Per

OBJECT 5(a)(vii) ESD and
OBJECT 5 (a)(viii) Affordable Housing

OPTION 1

Aims of LEP

Rationale

Several objects of the Environmental Planning and Assessment Act 1979 (NSW) ('the Act') support the inclusion of aims related to Affordable Housing in the making of new LEPs, specifically:

Section 5(a)(vii) ecologically sustainable development; and

Section 5(a)(viii) the provision and maintenance of affordable housing.

Accordingly, it is proposed that Byron LEP contain particular aims as provided for clause 1.2(2) of the Amended Standard LEP Template that refer to:

- Ecologically Sustainable Development (ESD) including human population diversity, environmental efficiency, and inter-generational equity supported by aims related to housing location, diversity and affordability;
- Affordable Housing within the meaning of the Act.¹

The reader is referred to Byron Shire Council's *Affordable Housing Strategy 2008* (JSA May 2008) and related policies for detailed research and strategies that support these provisions. Council's 25-year *Affordable Housing Strategy 2008* contains detailed maps, FSR tables and rationale to support the Affordable Housing LEP provisions set out here, and DCP provisions (forthcoming).

NOTE: Relevant clauses from the Standard LEP Template are reproduced below in 'BLUE', with additional provisions in 'RED'. The text in 'BLACK' is the author's commentary.

¹ Note that the Standard LEP Template gives ***affordable housing*** the same meaning as in the Act. The term is defined as housing for very low-income households, low-income households or moderate-income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

Proposed Particular Aims for Byron LEP

1.2 (2) The particular aims of this plan in relation to **housing** are:

- To increase housing choice to meet the identified needs of the Byron community including encouraging a diversity of price points, tenure, dwelling size, type and density so as to support a socially diverse community within a vibrant and viable Shire;
- To encourage housing and urban development that contributes to the development of sustainable communities;
- To encourage the development of housing in localities which provide access to transport, employment, health, community and recreational services, and enhanced social and physical integration with existing communities.

The particular aims of this plan in relation to **affordable housing**² are:

- To protect and increase the supply of affordable rental housing stock for very low, low, and moderate-income households including target groups identified as having particular housing needs in Byron LGA;
- To promote the development of a broader, more appropriate range of affordable housing by the private sector;
- To build and sustain community resilience by providing accommodation to support a diverse residential population inclusive of all income groups within the Byron local government area;
- To strongly encourage the development of affordable housing in localities which provide access to transport, employment, health, community and recreational services, and enhanced social and physical integration with existing communities;
- To ensure that affordable housing is constructed to a standard that is consistent with other dwellings within the Byron local government area.

The particular aims of this plan in relation to **housing for Older People and People with Disabilities** are:

² Note that the Standard LEP Template gives **affordable housing** the same meaning as in the Act. The term is defined as housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

- To encourage the provision of housing options regarding price, design and location that enable positive 'aging in place';
- To increase the supply of smaller, more manageable, accessible and adaptable stock appropriate to the needs of older people and those with a disability in localities which provide good access to transport, employment, health, community and recreational services, and allow for social and physical integration with existing communities;
- To encourage an adequate supply of adaptable and accessible housing per AS4299 that can respond to the changing needs of Byron residents;
- To ensure an adequate supply of self-care dwellings and low and high care accommodation specifically for older people and those with a disability.

Zone Objectives

Rationale

The Standard LEP Template sets out zones that may be applied at clause 2.1 'Land use zones [compulsory]'. Of those zones nominated, the following are most relevant in giving effect to specific aims related to ESD and Affordable Housing:

Residential Zones

R2 Low Density Residential

R3 Medium Density Residential

Business Zones

B2 Local Centre

B4 Mixed Use

The following sets out additional zone objectives per 'Land Use Table: Direction 1 Additional Zone Objectives' of the Standard Template.

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day-to-day needs of residents.
- To increase the supply of affordable rental housing stock for very low, low, and moderate-income family household;
- To promote the development of a broader, more appropriate range of affordable housing by the private sector, particularly that suited to very low-, low- and moderate-income family households;
- To increase the diversity of stock suited to those with special housing needs within a low-density residential setting in localities which provide good access to transport and services and allow for social and physical integration with existing communities.

2 Permitted without consent

Home occupations

3 Permitted with consent

Affordable Housing; Dwelling house; Group homes; Boarding Houses; Dual occupancies; Multi-dwelling housing; Residential Care Facilities; Secondary dwellings; Seniors Housing.

Zone R3 Medium Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents
- To protect and increase the supply of affordable housing for very low, low, and moderate-income households, in particular older couples and singles, younger people and key workers on such incomes;
- To strongly encourage the development of affordable housing in localities which provide access to transport, employment, health, community and recreational services, and enhanced social and physical integration with existing communities.
- To provide housing options regarding price, design and location that enable positive 'aging in place';
- To increase the supply of smaller, more manageable, accessible and adaptable stock appropriate to the needs of older people and those with a disability in localities which provide easy access to transport, employment, health, community and recreational services, and allow for social and physical integration with existing communities.

3 Permitted with consent

Affordable Housing; Attached dwellings; Boarding houses; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Group homes; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential Care Facilities; Residential flat building; Secondary dwelling; Semi-detached dwelling; Seniors housing; Serviced apartments; Shop top housing.

Zone B2 Local Centre

1 Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling;
- To promote the development of a more diverse, appropriate and well-located supply of affordable housing including for older people and those with a disability.

2 Permitted without consent

3 Permitted with consent

Business premises; Child care centres; Community facilities; Dwelling houses but only physically attached to or used in conjunction with purposes permissible with development consent in this zone; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Office premises; Mixed use development, Multi-dwelling housing; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential flat buildings but only physically attached to or used in conjunction with purposes permissible with development consent in this zone; Retail premises; Seniors housing; Service stations; Shop top housing; Tourist and visitor accommodation.

Zone B4 Mixed Use

1 Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling;
- To strongly encourage the development of affordable housing in localities which provide access to transport, employment, health, community and recreational services, and enhanced social and physical integration with existing communities.
- To provide housing options regarding price, design and location that enable positive 'aging in place';
- To increase the supply of smaller, more manageable, accessible and adaptable stock appropriate to the needs of older people and those with a disability in localities which provide easy access to transport and services and allow for social and physical integration with existing communities.

3 Permitted with consent

Boarding houses; Business premises; Child care centres; Community facilities; Dual occupancy but only physically attached to or used in conjunction with purposes permissible with development consent in this zone; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Mixed use development; Multi-Dwelling Housing; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential flat building but only physically attached to or used in conjunction with purposes permissible with development consent in this zone Retail premises; Seniors housing; Shop top housing.

Principal Development Standards – Part 4

Rationale

LEP Practice Note: Standard Instrument for LEPs 'Height and Floor Space Ratios' provides for variations to height, FSR and calculations of FSR and Site Area in 'different zones or different locations within the same zone'. Clause 4.4 allows for a table to be used in conjunction with a map so that separate FSRs may be set out depending on the mix of land uses.

Council will allow additional FSR as an incentive to developers to contribute a portion of additional benefit to its Affordable Housing Program in precincts assessed as suitable for Affordable Housing. Details on the criteria and process for selection of precincts is set out in Section 4 of Council's *Affordable Housing Strategy 2008*. The framework is set out in **clause 4.4** below and on the FSR Map and related table. The density bonus provisions and calculations are set out in more detail in Council's DCP (forthcoming) and related policies.

NOTE: There are two versions of clause 4.4 set out below. The first provides sub-clause 4.4(3) to qualify sub-clause 4.4(2), which makes it clear that additional FSR will only be approved if particular requirements in the DCP regarding Affordable Housing are met. The **alternative** clause that follows does not provide a qualifying sub-clause 4.4(3), but relies upon the objective at sub-clause 4.4(1)(c) to set out Council's position. The first is preferred as it is less ambiguous. However, DOP may prefer the alternative sub-clause as it may not favour adding a further/qualifying sub-clause to 4.4(2).

LEP Clause 4.4

4.4 Floor space ratio [optional]

- (1) The objectives of this clause are as follows:
 - (a) and (b) [Insert Byron Council's proposed objectives related to FSR].
 - (c) To provide for an equitable and transparent method of calculating additional floor space in precincts identified for Affordable Housing in the FSR Map and where Council is satisfied that the Affordable Housing provisions of its DCP are met.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.
- (3) Despite sub-clause (2), consent may be granted to additional floor ratio as set out in the FSR Map if Council is satisfied that the requirements of the Affordable Housing provisions of its DCP are met.

Alternative LEP Clause 4.4

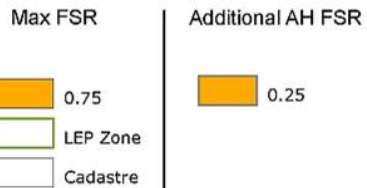
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Direction. Different floor space ratios may be shown on the FSR map for different zones, for different land in the same zone or for different land uses within a building. This Plan may provide that, despite sub clause (2), the maximum floor space ratio for a building is to be determined partly by the FSR map and partly by other means, or wholly by other means.

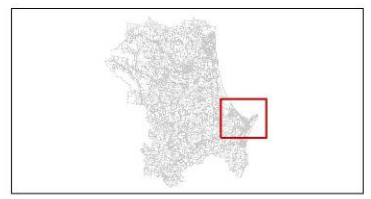
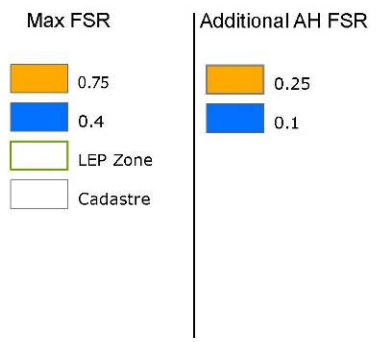
Byron Shire Council
Local Environmental
Plan 2008

Floor space ratio map
Bangalow



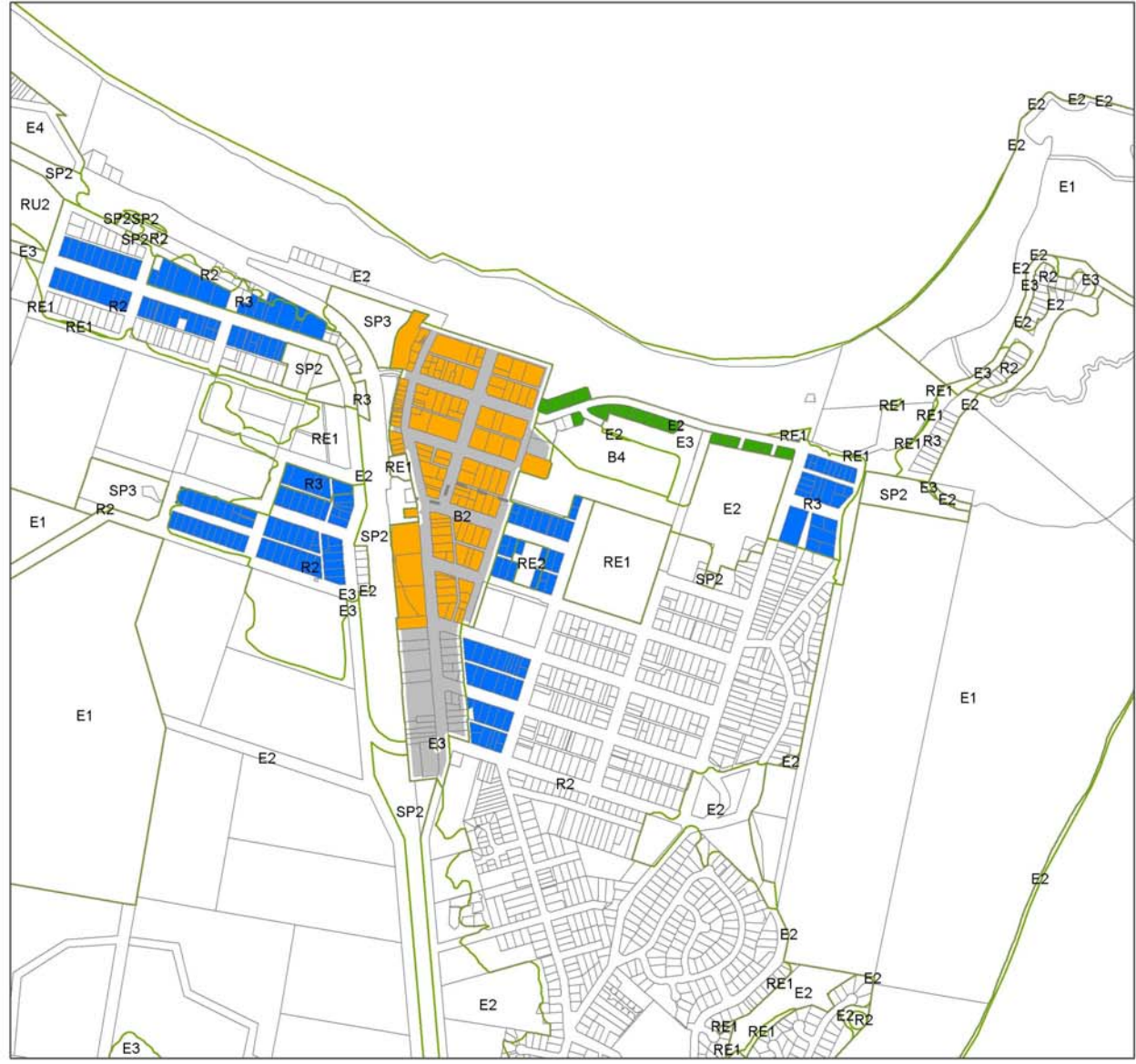
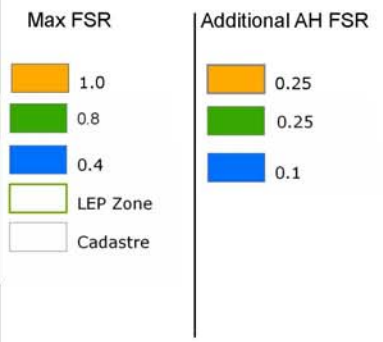
Byron Shire Council
Local Environmental
Plan 2008

Floor space ratio map
Brunswick Heads



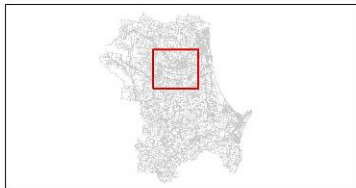
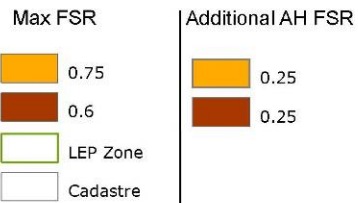
Byron Shire Council
Local Environmental
Plan 2008

Floor space ratio map
Byron Bay



Byron Shire Council
Local Environmental
Plan 2008

Floor space ratio map
Mullumbimby



DRAFT

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(Affordable, Aged and Disability Housing)

Per

OBJECT 5(a)(vii) ESD and
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OPTION 2

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Zone Objectives

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2 Permitted without consent

Home occupations

3 Permitted with consent

Affordable Housing; Dwelling house; Group homes; Boarding Houses; Dual occupancies; Multi-dwelling housing; Residential Care Facilities; Secondary dwellings; Seniors Housing.

Zone R3 Medium Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents
- To protect and increase the supply of affordable housing for very low, low, and moderate-income households, in particular older couples and singles, younger people and key workers on such incomes;
- To strongly encourage the development of affordable housing in localities which provide access to transport, employment, health, community and recreational services, and enhanced social and physical integration with existing communities.
- To provide housing options regarding price, design and location that enable positive 'aging in place';
- To increase the supply of smaller, more manageable, accessible and adaptable stock appropriate to the needs of older people and those with a disability in localities which provide easy access to transport, employment, health, community and recreational services, and allow for social and physical integration with existing communities.

3 Permitted with consent

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1 Objectives of zone

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- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling;
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Zone B4 Mixed Use

1 Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling;
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3 Permitted with consent

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Principal Development Standards – Part 4

Rationale

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LEP Clause 4.4

4.4 Floor space ratio [optional]

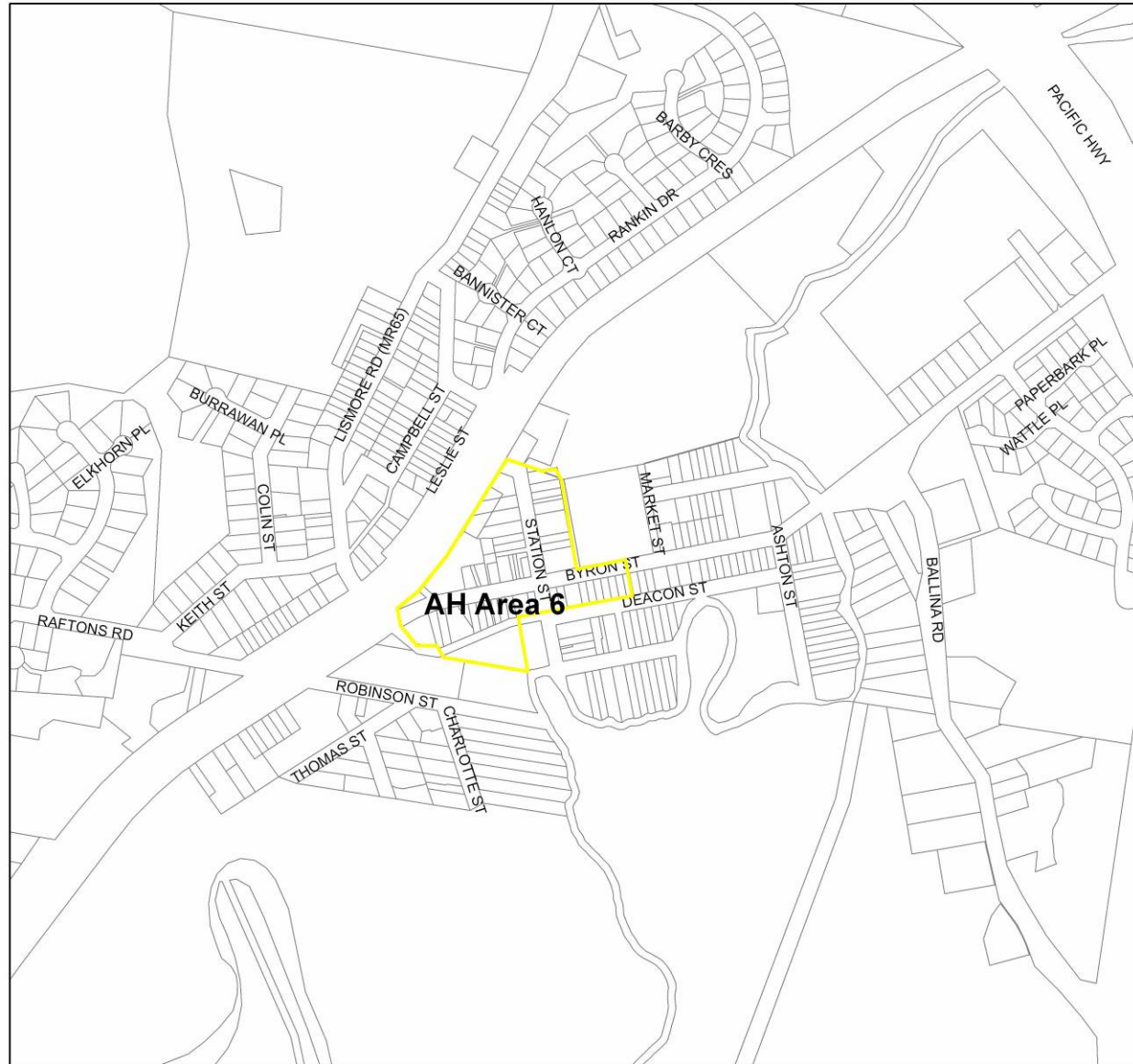
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- (4) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.
- (5) Despite sub-clause (2), consent may be granted to additional floor ratio as set out in the FSR Map if Council is satisfied that the requirements of the Affordable Housing (AH) provisions of its DCP are met.

AH Areas on FSR Map	Maximum FSR	Additional AH FSR
Area 1 (Brunswick Heads)	0.75	0.25
Area 2 (Brunswick Heads)	0.4	0.1
Area 3 (Brunswick Heads)	0.4	0.1
Area 4 (Mullumbimby)	0.75	0.25
Area 5 (Mullumbimby)	0.6	0.25
Area 6 (Bangalow)	0.75	0.25
Area 7 (Byron Bay)	1.0	0.25
Area 8 (Byron Bay)	0.4	0.1
Area 9 (Byron Bay)	0.8	0.25
Area 10 (Byron Bay)	0.4	0.1
Area 11 (Byron Bay)	0.4	0.1
Area 12 (Byron Bay)	0.4	0.1

Direction. Different floor space ratios may be shown on the FSR map for different zones, for different land in the same zone or for different land uses within a building. This Plan may provide that, despite sub clause (2), the maximum floor space ratio for a building is to be determined partly by the FSR map and partly by other means, or wholly by other means.

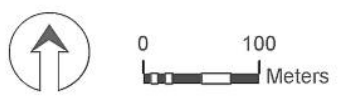
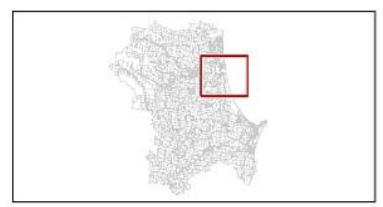
Byron Shire Council
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Floor space ratio map
option 2
Bangalow



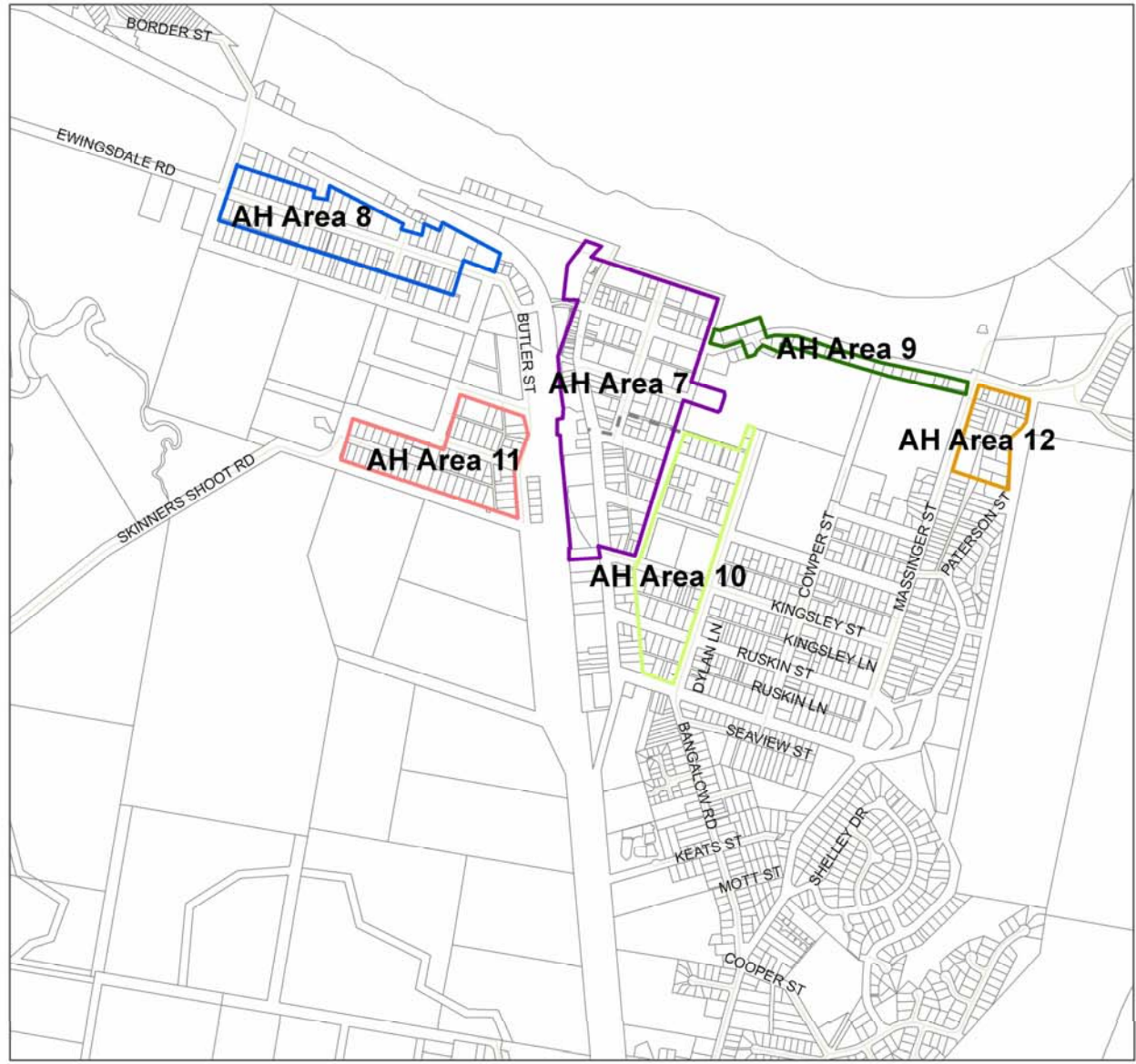
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option 2
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