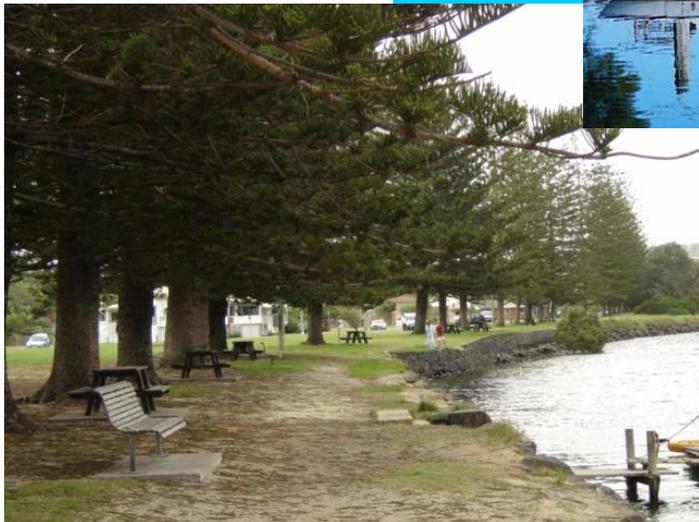




Brunswick Heads Settlement Strategy 2004



BRUNSWICK HEADS SETTLEMENT STRATEGY 2004

Adopted by Byron Shire Council on 21 December 2004



Byron Shire Council
PO Box 219
Mullumbimby NSW 2482
E-mail: council@byron.nsw.gov.au
Phone (02) 6626 7000
Fax: (02) 6684 3018
#496137 and #314081

Disclaimer: This Strategy and its outcomes for village settlement areas should not be used by anyone as a basis for investment or other private decision making purposes in relation to land purchases or land uses. This is because the Strategy is a broad strategic and policy document. It is the base information for more detailed assessment and implementation through the preparation of Local Environmental Plans and Development Control Plans. Changes can occur through these more detailed, and often site specific, processes. Local Environmental Plans and Development Control Plans are the planning instruments upon which investment and other private decisions may, with a higher and more reasonable level of confidence, be based.

BRUNSWICK HEADS VISION STATEMENT

a restored and protected river environment

a family-friendly coastal village

*a dynamic local business sector with developments
underpinned by principles of environmental sustainability*

employment opportunities for all residents

a diversity of views, values and lifestyles

linked to neighbouring communities

EXECUTIVE SUMMARY

The Brunswick Heads Settlement Strategy is a component of the Byron Shire Small Towns and Villages Settlement Strategy.

The people of Brunswick Heads consider their community to be a village. Many of the outcomes in the Brunswick Heads Settlement Strategy are designed to enhance the village lifestyle and sense of place.

The primary aim of the Brunswick Heads Settlement Strategy (“the Strategy”) is to provide for better planning, management and community ownership of the future character, design and strategic direction, including housing density, housing location and infrastructure works required for the Brunswick Heads village catchment area.

A further aim is to meet the Council’s obligations under the North Coast Regional Environmental Plan for a residential development strategy.

The Brunswick Heads Village Settlement Strategy has identified several guiding principles considered essential to planning and management. These are:

- the Community’s Vision;
- acknowledgement that land is a finite resource;
- development decisions must consider potential and cumulative impacts and be based on the precautionary principle;
- decision making must ensure community consultation and participation; and
- use of the environment must be based on the principles of Ecologically Sustainable Development.

The Strategy has been prepared with reference to the following documents:

- Northern Rivers Regional Strategy;
- North Coast Urban Planning Strategy;
- Department of Urban Affairs and Planning Urban Settlement Strategies - Guidelines for the North Coast;
- Byron Council’s “Greenprint for a Sustainable Future”.

Brunswick Heads is limited in the quantity and quality of land available for residential development. This Strategy has reviewed the existing 2(a)(Residential Zone), taking into account the need to provide for a range of housing options such as single dwellings, dual occupancy and medium density development. The relationship of residential development with the river and adjoining parklands, Tweed Street, South Beach Road, and the commercial area has been considered.

It is important to retain streetscape and character. There is a need to provide guidelines and to review controls for density, height and setback of development so that the existing character and scale of the village is retained.

The need for change in some areas is also recognised. Tweed Street bears the legacy of its past, having been the former Pacific Highway. It needs to be integrated into the village, with a focus on traffic management, pedestrian amenity and streetscape design.

The village’s commercial area lacks strong unifying design elements. Its streets are mostly open to sun and rain with no awnings or verandahs over footpaths. Protection

from sun and rain should be seen as basic public health and amenity issues.

Developments in the commercial area are generally not set back from the front (street) boundary, whereas a building setback may be an advantage for certain uses, particularly outdoor dining. These issues must be addressed with sensitivity to sense of place and design outcomes. The Strategy recommends that a design theme be developed for the town centre as part of a Brunswick Heads DCP. The community is leading the way on this issue through the “Streetscaping Forum.”

The Strategy recognises the significance of the Brunswick River and the contribution it makes to the village. The river’s ecosystem is made up of a variety of wildlife habitats including wetlands, salt marshes and paperbark swamps. The river is a resource for recreation, fisheries and tourism.

In 1998 the Brunswick Heads Village Committee participated in a pilot project called a ‘Sense of Place’ conducted by the Department of State and Regional Development. The pilot project’s principal agenda was to promote employment and business opportunities within Brunswick Heads consistent with the vision and values held by the community for the village.

The Forum yielded statements of Image or Character and a Vision for Brunswick Heads:

Image or Character

Brunswick Heads will maintain and enhance its appearance - and atmosphere - as a low-key, family-friendly coastal village.

‘Vision’ for Brunswick Heads

The community of Brunswick Heads has restored and protected its river environment while maintaining the appearance and atmosphere of a family-friendly coastal village.

Environmentally sustainable development principles have guided future and underpinned a dynamic local business sector offering employment opportunities to all residents.

A diversity of views, values and lifestyles has been a major asset, and regional linkages to neighbouring communities have been encouraged.

There are major natural constraints to the growth of Brunswick Heads:

- the Brunswick River to the east and north
- the Nature Reserves to the west and south
- flood-prone land
- wetlands and coastal erosion hazard along the coastline
- acid sulfate soils

The Pacific Highway bypass of Brunswick Heads also provides a clearly defined physical barrier to the westward expansion of Brunswick Heads.

The only area available for expansion is a southward extension of Bayside Brunswick, south of the village. This will have the effect of creating a new residential

focus that will, because of the degree of physical separation, remain functionally separated from the existing village. This land is currently under investigation by the Department of Education & Training as a site for a new high school. At this stage it is unknown whether the Department will proceed with this site, or will upgrade the Mullumbimby High School instead.

The Strategy renews the concept of “garden flats.” Otherwise known as granny flats or studio flats, these small dwellings contribute to current housing needs by assisting in providing affordable housing, by providing rental income, and expanding housing options for the increasing number of single persons and low occupancy households. As a new form of development, garden flats should undergo a trial period, say three years. The contribution of garden flats to the village, and their impacts, should then be reviewed.

Another new form of development is the ‘dual purpose’ dwelling. In the town centre and South Beach Road developers can elect to classify residential developments as ‘dual purpose’ dwellings which may be used for either permanent or short term (tourist) accommodation. This gives flexibility to the owner of each unit to choose. A trial period is proposed.

Based on population growth rates and the availability of housing put forward by this Strategy, the theoretical estimated population design capacity of approximately 3200 will be reached in 15 to 20 years. Population capacity will be reduced by about 700 if the Department of Education and Training purchases the Bayside Brunswick site. A further reduction on theoretical growth is that not all landowners will take up the opportunity to develop garden flats. Investment potential is limited by the inability to strata subdivide, which in turn restricts the availability of bank finance. Garden flats are currently permissible as a form of dual occupancy but are not commonly applied for. It is unlikely that garden flats will meet the likely demand for affordable housing in Brunswick Heads.

This Strategy has determined that there is no more developable land in the Brunswick Heads village catchment. Development and population growth will occur within the boundaries of existing zoned land.

This Strategy acknowledges ecological and environmental constraints and capacities, in particular the environmental capacity of the receiving environment for treated sewage.

Council will review and adjust planning controls, to ensure that the outcomes envisioned in the Strategy are realised. The Strategy should be monitored annually in terms of the ‘take up rate’ of available development opportunities, and about every 5 years to review the very limited land available for development (both additions and deletions) and development densities and types.

The outcomes of this Strategy cannot be guaranteed for a number of reasons. For example, landowners may not wish to take up development options available on their land, and investment-funded development may fluctuate with movements in financial markets. However in order to plan infrastructure requirements, particularly relating to sewerage, it is necessary to assume that the full development potential will eventually be achieved.

ACKNOWLEDGMENTS

The preparation of the Strategy was a collaborative effort between Byron Shire Council and the community. The community was represented by the Brunswick Heads Village Committee. The composition of the Village Committee which compiled the first Draft of the Settlement Strategy was: Cr Hugh Ermacora (Chair), Cr Michael Lines-Kelly, Patricia Warren, Tom Tabart, Keith Batson, Michelle Grant, John Helman, Ken Lee, Jeffery Pinnock, Michael Ragowski, Kim Rosen and Gillian Secombe.

The Village Committee was reformed under the Council elected in 1999. This new Committee comprised Cr Jan Mangleson, Cr Jan Barham, Patricia Warren, Tom Tabart, Keith Batson, Jeffery Pinnock, Kim Rosen and Leone Bolt.

In addition, while not specifically tied to this project, two (2) public meetings were held through the auspices of the Department of State and Regional Development as part of its 'sense of place' project. The outcomes of these meetings helped to inform the making of this Strategy. The Department's contribution is acknowledged with thanks.

Council was represented by Peter Lindwall (Project Manager 1998/99), Alex Caras (Environmental Planning Officer) and Steven Smith (Project Manager 2000/01).

The enthusiastic contribution and commitment of the Village Committee members is acknowledged and appreciated. Thanks also go to David Kanaley (Director, Environmental Planning Services) for managing the overall Strategy preparation process, editing draft copies and providing advice to the Committee and staff as necessary. Council also acknowledges the administrative and secretarial support provided by Margot Coggan.

FOREWORD

The Vision and outcomes for future settlement in Brunswick Heads, as presented in this Strategy, have been developed through an ongoing process of community consultation and participation. The Council appreciates the community commitment to the development of the Strategy and thanks all those who gave their time for the preparation of this important document.

The Strategy lays a foundation for planning the future settlement pattern and character of the village of Brunswick Heads that seeks to retain the low scale coastal village atmosphere. The community places a high value on maintaining the residents quality of life and also recognises this value as a basis for the economic viability of the town as an attractive tourist destination.

The successful implementation of this Strategy, and ultimately the achievement of its Visions, will rely upon continued community involvement and co-operation in future planning processes, such as the Shire wide Local Environment Plan.

I commend to you the Brunswick Settlement Strategy as adopted by Byron Shire Council on 21 December 2004.

Jan Barham
Mayor

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1 PATHWAY TO A SUSTAINABLE FUTURE

Steps along the way

The past decade has seen an evolution in the political status of the environment, both globally and locally.

In the context of environmental planning, this evolution is marked by a number of key steps:

- In 1992 a conference of world governments was held in Rio de Janeiro. That conference led to the adoption of a United Nations charter commonly referred to as Local Agenda 21, which acknowledges the need to develop strategic environmentally sustainable processes at the local level.
- In 1993, the New South Wales Local Government Act was amended to include objectives relating to environmental sustainability. Various other pieces of legislation were also amended. It has become quite clear that the NSW State Government is providing local government with the power and responsibility to manage environmental issues in a more sustainable way.
- In 1995, Byron Shire residents elected a Council with a strong environmental platform. That Council formalised its position with the introduction of its “Greenprint For A Sustainable Future.” The Byron Local Environmental Plan 1988 was amended in 1998 to incorporate principles and objectives with a view to guiding development down the path of environmental sustainability.
- In 1997, a conference of NSW councils was held in Newcastle with the theme “Pathway to Sustainability”. This conference resulted in the “Newcastle Declaration”, which was a commitment by local government to sustainability principles. Byron Shire Council was one of the first NSW councils to ratify the Newcastle Declaration.

1997 also saw the introduction of the Protection of the Environment Operations Act and the Native Vegetation Conservation Act, and formal adoption by the State government of the NSW Coastal Policy.

- In 1998, Byron Shire Council developed a Rural Settlement Strategy which incorporates environmental sustainability criteria for rural residential development.
- In 1999, Byron Shire Council prepared a Shire-wide Flora and Fauna Study which provides a valuable record of sensitive environments for a range of planning purposes.
- In 2001 the Department of Urban Affairs and Planning issued guidelines for the development of urban settlement strategies on the North Coast of New South Wales. These guidelines require Councils to demonstrate a commitment to sustainable development principles.

The current Small Towns and Villages Settlement Strategies are another step along the way to infusing environmental sustainability into planning and land use.

Sustainability has also been incorporated into Council's works program, particularly the upgrading or replacement of its sewerage treatment plant, and Council's annual report on the State of the Environment.

The local approach to environmental sustainability is therefore in response to diverse forces. The "top down" force of international, national and State Government policy, and "bottom up" local politics have coincided.

Principles of sustainability

The principles of sustainability adopted by Council in its Greenprint For A Sustainable Future are:

- a) The precautionary principle. The precautionary principle means that where there are threats of serious or irreversible damage to the community's ecological, social or economic systems, a lack of complete scientific evidence should not be used as a reason for postponing measures to prevent environmental degradation. In some circumstances this will mean actions will need to be taken to prevent damage even when it is not certain that damage will occur.
- b) The principle of intergenerational equity. This principle means that the present generation must ensure that the health, integrity, ecological diversity, and productivity of the environment is at least maintained or preferably enhanced for the benefit of future generations.
- c) The principle of conserving biological diversity and ecological integrity. This principle aims to protect, restore and conserve the native biological diversity and enhance or repair ecological processes and systems.
- d) The principle of improving the valuation and pricing of social and ecological resources. This principle means that the users of goods and services should pay prices based on the full life cycle costs (including the use of natural resources at their replacement value, the ultimate disposal of any wastes and the repair of any consequent damage).
- e) The principle of eliminating or reducing to harmless levels any discharge into the air, water or land of substances or other effects arising from human activities that are likely to cause harm to the environment.
- f) The principle of encouraging a strong, growing and diversified economy that promotes local self reliance, and recognises and strengthens the local community and its social capital in ways that safeguard the quality of life of future generations.
- g) The principle of providing credible information in open and accountable processes to encourage and assist the effective participation of local communities in decision making.

1.1 THE NEED FOR A STRATEGY

The need for this Strategy arises from the following issues:

Statutory requirements

The North Coast Regional Environmental Plan (the REP) requires Council to adopt an urban land release strategy prior to permitting significant urban growth.

Review of local policy and practice:

General

The current planning controls have been in operation for about 13 years. They are derived from the 1993 Byron Residential Development Strategy, Byron Local Environmental Plan 1988 ("the LEP") and Byron Development Control Plan No. 1 ("the DCP"). It is time to review the local planning framework to address community expectations and current issues and to deliver the community's desired outcomes.

It is also necessary to review the current planning controls to bring them more into line with 1999 'Guidelines for Urban Settlement Strategies' issued by the Department of Urban Affairs and Planning and best practice sustainable planning.

Council is a signatory to the Newcastle Declaration, and has a clear commitment to implementing the United Nations charter known as Agenda 21. Council has a broader responsibility to the world community to review its local policy and practice in respect to the management of settlement patterns and population growth in Brunswick Heads.

Byron Residential Development Strategy, December 1993:

The current Byron Residential Development Strategy was adopted in December 1993 and applies to Brunswick Heads. This Strategy states that Brunswick Heads had "*adequate appropriately zoned land for urban residential development purposes well beyond the planning period of this Strategy. It is not proposed to create any more release areas around these localities until the next review of the Strategy.*"

The following points can be made about the 1993 Strategy:

- It estimated available land at 33.5 hectares, all of which was in the Bayside Brunswick subdivision area. Settlement densities were based on 8 lots per hectare.
- It has not come to fruition in Brunswick Heads. The developable land area identified at Bayside Brunswick has been constrained because of overloaded sewerage infrastructure. There is no other developable land in Brunswick Heads.
- It failed to address higher densities in existing village areas. It makes no projections for medium density development, although it does assume that new areas will be developed at an average density of 1.5 dwellings per allotment.
- It focussed on physical capability and environmental constraints. It did not focus on social, economic and infrastructure constraints or impacts. Current

thinking, articulated through Council's adoption of the principles of Ecologically Sustainable Development, requires us to look at other constraints and consequences.

- It has become outdated in view of contemporary issues and planning matters such as:
 - North Coast Urban Planning Strategy 1995
 - Council's vision in its 2001-2004 Management Plan;
 - Council's aim, objectives and guidelines in the Green Print for a Sustainable Future LEP;
 - The challenges and objectives of *Local Agenda 21*;
 - The Department of Urban Affairs and Planning's "Guidelines for Urban Settlement Strategies";
 - The policies outlined in the draft *Northern Rivers Regional Strategy 1998*; and
 - The objectives of the *NSW Coastal Policy 1997 - A Sustainable Future for the New South Wales Coast*.

Byron Local Environmental Plan 1988 (the LEP)

The LEP has one all-inclusive 2(a)(Residential Zone) which has for 13 years permitted most forms of residential development throughout the residential areas of the Shire. Dwelling-houses, dual occupancy, residential flat buildings, motels and hostels are permissible subject only to generic Shire-wide development controls such as minimum lot size and setbacks.

This broad-based permissibility system in Byron Shire as a whole has given rise to examples of inappropriately located development and land use conflict issues. Residential flat buildings in some instances have been built in areas of predominantly single dwelling-houses, with poor integration into the streetscape. Conversely, some higher density development has not been located within proximity to services such as shops and open space. Large commercial-scale bed and breakfast establishments in residential areas of Byron Bay have resulted in comments and claims of additional traffic, noise and servicing requirements.

The single zone system has contributed to Council's legal costs due to appeals to the Land and Environment Court. This occurs when proposals for permissible developments are refused on the basis of development controls or on merit issues.

Since the LEP was adopted in 1988 new issues have arisen such as increasing complexity in the settlement fabric of the towns and villages of the Shire and the influence of tourism. Incompatible land uses will become more common place unless the LEP is reviewed to better reflect community values and to achieve the community vision of each place.

The LEP permits specific kinds of shops in the 2(a)(Residential Zone), such as:

- General stores
- Chemist shops
- Fish and chip shops

- Fruit shops
- Video shops
- Newsagencies
- Smallgoods and sandwich shops
- Hairdressers shops

This list needs to be reviewed to reflect contemporary requirements and uses.

Existing development in Tweed Street includes two motels, two service stations, a liquor store, a number of take-away food stores and restaurants, a supermarket and other commercial developments. Many of these commenced years ago in response to passing trade on the Pacific Highway, and continue to operate under existing use rights.

This Strategy resolves the future of lands zoned 1(d)(Investigation Zone). This Zone was created on the basis that additional study of its development potential was required. Resolution of the future use of such land is long overdue.

Development Control Plan 2002 (DCP)

Byron Development Control Plan 2002 applies to the whole Shire. There is no specific DCP for Brunswick Heads, although there is a DCP for Bayside Brunswick. The relevant current planning controls under Byron DCP 2002, for strategic purposes, are:

- Subdivision minimum lot size:
 - 600 m² for a general lot (note: this precludes subdivision of the ¼ acre (1012 m²) lots often found in older subdivisions, including parts of Brunswick Heads, because 1200 m² is required before subdivision can occur);
 - 650 m² for corner blocks;
 - 800 m² for battleaxe blocks.
- Minimum lot size for dual occupancy (attached or detached) is 800 m².
- Minimum lot size for medium density (3 or more units) is 1200 m². There is also a requirement of 250 m² of site area per dwelling.

These development controls may need to be modified if the outcomes of the Strategy are to be realised.

Implementation of this Strategy will require a specific Development Control Plan for Brunswick Heads. The new DCP should address the reality of lot sizes in Brunswick Heads, with appropriate provisions regarding minimum lot sizes and development guidelines for different forms of development.

Development Control Plan No. 6 Bayside Brunswick:

This DCP commenced on 25 August 1992. It contains performance standards and specific controls for future subdivisions of the estate, including open space, roads, residential density, commercial and community facilities, and stormwater drainage. The DCP stipulates that a minimum of 10% of allotments should be small lots (450 m²) and at least 10% of land should be allocated for medium density housing. The DCP includes a subdivision concept plan.

This DCP should be reviewed to ensure it is consistent with the outcomes of this Strategy and contemporary best practice in environmental management.

1.2 REGIONAL CONTEXT

Byron Shire comes under the administration of the North Coast regional office of the Department of Urban Affairs and Planning (DUAP). The following documents inform the development of urban, including town and village, settlement strategies in this region:

- North Coast Urban Planning Strategy (NCUPS)
- North Coast Regional Environmental Plan (NCREP)
- Northern Rivers Regional Strategy (NRRS)
- DUAP Guidelines for Urban Settlement Strategies for the North Coast

The region suffers a high unemployment rate and significant health, housing and social problems for young people and low-income households. Social security recipients in the many aged, unemployed and single parent households are major contributors to the village economy.

The 2001 Census Figures indicate that 18.7% of households do not own a car and the median weekly individual income is between \$200 - \$299 per week. Brunswick Heads also holds the lowest median weekly household income within the Shire. This reflects the national trend of an aging population, smaller households and a broad-based rental market that is growing and diversifying.

Downgraded medical services, the proposed closure of Mullumbimby hospital and the lack of aged care may seriously impact on the potential aged/retiree residential market in Brunswick Heads. Overcrowded or inadequate educational facilities in the immediate region may discourage young families and may contribute to the transitory nature of the local population.

The possible but as yet unconfirmed development of a new sub-regional high school on residential land at Bayside Brunswick will improve educational resources but will deplete the stock of land available for future residential subdivision.

An Economic Impact Assessment has indicated that the proposed motorway between Billinudgel and Chinderah is expected to increase residential land values, increase the level of housing development and make the area more accessible to tourism. The motorway will significantly reduce travel times between Brisbane/Gold Coast and Brunswick Heads and may encourage people to commute from a 'dormitory' area in the Brunswick Heads region, both earning and spending their income outside the region.

Byron Shire is connected to south-east Queensland in more ways than the regional planning framework – the NCUPS and the NRRS – would suggest. This economic and social reality can be looked at in terms of:

Opportunities

- Employment
- Economics
- Services

- Entertainment
- Flow on improvements to local amenities such as supply and diversity in entertainment and restaurants

Problems

- Uncontrolled tourism
- Strains and additional costs on infrastructure (roads, sewer)
- Environmental impact
- Diminished amenity through overcrowding
- Social displacement due to increased rent returns during holiday season

1.3 REGIONAL ISSUES

This Strategy does not envision Brunswick Heads being elevated in the urban hierarchy of the North Coast region. Brunswick Heads will not become a sub-regional population centre.

This Strategy does not propose residential densities of the order suggested in the North Coast Urban Planning Strategy of 15 dwellings per hectare. This is principally due to the community's desire to maintain the character and sense of place of the village, which historically has not included a high proportion of medium density development. The average development density of the village is quite low, at about 10 dwellings per hectare.

As population projections are below average, it can be assumed that continued demand will flow on to other towns and villages in Byron Shire and adjoining LGA's.

Other issues of regional interest are:

Affordable housing

Real estate prices and rents are comparatively greater in Byron Shire than many other Shires in the region, and continue to increase. Affordable housing providers such as the Department of Housing are not currently increasing their stocks.

Affordable housing is, and will continue to be, sought outside the Shire and even outside the region. In the long term this may have major implications for the demographic and social mix of the region. This Shire, in particular, has come to value the social mix within its towns, villages and rural areas

Affordable housing should also be looked at in relative terms to the cost of housing in the Shire. What is considered to be 'affordable' here may be considerably more expensive than what may be obtained in some neighbouring local government areas. In essence this reflects relative land values and limited supply of undeveloped serviced residential land in coastal localities. Coastal land is a finite resource.

Tourism

This Strategy provides for a mixture of tourist and residential accommodation in accordance with community aspirations for low-impact tourism. Large-scale unit complexes or resort facilities are not compatible with the community vision for the village and should be avoided through appropriate planning controls.

Tertiary education opportunities

Byron Shire does not contain higher education institutions. It is appropriate that larger population centres should be located closer to the sub-regional centres such as Lismore and Tweed Heads which have regional-level services.

Water supply

Bulk water for distribution to households and other customers in Brunswick Heads is supplied to Council through Rous Water. Rous Water have undertaken a strategic review of long-term water resources, completed a review of Section 64 Development Contributions Plan and are progressing a detailed investigation of additional bulk water sources.

Pacific Highway upgrading

The Roads and Traffic Authority plans to upgrade the highway to four lanes through most of the Shire. Construction is now complete on a major upgrade between Yelgun and Chinderah, works are planned to commence in 2005 for the Brunswick to Yelgun highway upgrade, which is proposed to open in January 2007 and there is planned construction of the Tugun By-pass. These works, will contribute to reducing travel times to south-east Queensland considerably, as well as improving road safety. It will also expose the Shire and particularly Brunswick Heads to additional tourist traffic and perhaps commuter traffic.

Regional environmental issues

This Strategy will protect rare or significant vegetation and endangered flora and fauna. It is not proposed to develop any ecological communities identified under State Environmental Planning Policies No. 14 (Coastal Wetlands) or No. 26 (Littoral Rainforest) or the Threatened Species Conservation Act, 1995.

The Strategy identifies opportunities to maintain, re-establish or enhance wildlife corridors and links between environmentally significant areas.

The Byron Flora and Fauna Study identifies vegetation, and rare and threatened species, which are significant on a local, regional and national basis. This Strategy advocates environmental repair to improve vegetation and fauna habitat values, linked to development opportunities and processes. This will be further addressed in Council's Biodiversity Conservation Strategy, which will also provide incentive packages for landowners.

NSW Coastal Policy 1997

This Strategy acknowledges limits to population growth in Brunswick Heads. This limit may result in overflow demand on other coastal towns within the Shire and in other Local Government Areas' coastal towns, where the Coastal Policy 1997 will influence the release of new land.

These issues indicate that local population densities will be lower than in the sub-regional centres, and that a density of less than 15 dwellings per hectare is appropriate.

1.4 STRATEGIC LINKS

This Strategy is linked to a number of other strategic processes and Council projects.

State of the Environment Report

The link between the Strategy and State of the Environment Reporting is shown in Appendix D.

Brunswick River Estuary Management Study and Plan

The Brunswick River Estuary Management Study and Plan are currently being prepared.

Wastewater Management Strategy (WMS)

Council's WMS commits Council to upgrading or replacing its sewerage treatment plants to sensitive water standard. The plant servicing Brunswick Heads is to be upgraded. In order to calculate the scale and cost of the upgrade works, future population figures are required for each of the respective towns and villages. The population design capacity yielded by this Strategy will assist in anticipating sewerage loadings from Brunswick Heads and will be factored into the proposed replacement of the existing Brunswick Heads sewerage treatment system.

Other Small Towns and Villages Settlement Strategies

Available land in Brunswick Heads is strictly limited. If the Department of Education and Training purchases much of the available land for a new high school, residential growth can be expected to flow to other centres such as Ocean Shores and Mullumbimby.

Byron Rural Settlement Strategy 1998 (BRSS)

The BRSS deferred some land from consideration for rural settlement, pending assessment of the settlement potential in the Shire's towns and villages. There is no such "deferred" land in the Brunswick Heads area. Land south of the village zoned 1(d)(Investigation Zone) was assessed under the Rural Settlement Strategy and not considered to be suitable for rural settlement.

Byron Coastline Management Study and Plan

The Byron Shire Coastline Management Study and Plan are in preparation. The outcomes of the Coastal Hazards Definition Study has implications for controls on coastal residential developments. It is of limited relevance to Brunswick Heads.

Brunswick River Wastewater Management Strategy

Council has resolved to close both the Brunswick Heads and Mullumbimby sewerage treatment plants and to vacate the sites. Options for new locations, including a single site to service both places, are under consideration. The Wastewater Management Strategy is integrated with this decision making process.

Further development will not be possible in Brunswick Heads until such time as sewerage infrastructure is able to accommodate additional load.

1.5 AIMS

The aims of the Brunswick Heads Village Settlement Strategy are:

- provision of a key component of the Byron Shire's Greenprint for a Sustainable Future as required in the Council's Management Plan and identified in the Greenprint for a Sustainable Future Amendment to the Byron Local Environmental Plan 1988;
- provision for the long term, sustainable development of Brunswick Heads;
- the better planning, management and community ownership of the future character, design, and strategic directions for the area, including housing density, housing location and infrastructure works required;
- satisfaction of the Council's obligations under the North Coast Regional Environmental Plan for a Residential Development Strategy, including a land release program, and the DUAP guidelines for Urban Settlement Strategies;
- an agreed framework between the State and the local community for the orderly and timely rezoning of land for residential and other village purposes and for the provision of services and infrastructure.

1.6 OBJECTIVES

The objectives of the Strategy are:

- to enhance individual and community (social and economic) well-being by following a path of economic development that safeguards the welfare of future generations;
- to provide for equity within and between generations; and
- to protect biodiversity, and re-establish and enhance essential ecological processes and life support systems.

1.7 GUIDING PRINCIPLES

The guiding principles of the Strategy are:

- the Community Vision;
- the land is a finite resource;
- development decisions must consider potential and cumulative impacts and be based on the precautionary principle;
- decision making must ensure community consultation and participation; and
- use of the environment must be based on the principles of Ecologically Sustainable Development.

1.8 STRATEGY TIME-FRAME

This Strategy addresses the residential development needs of Brunswick Heads over a 10 to 20 year timeframe.

It is expected that the upper limit of growth will be reached during that time. This expectation is based on:

- An assessment of land capability;
- Population growth projections;
- Current community views on population density and village character; and
- Current political climate.

Not all of the constraints identified in this Strategy are absolute. For example, the capacity of infrastructure such as sewerage treatment, traffic management and parking can be improved through appropriate allocation of funding, and community views on population density may change.

In accordance with the principle of “intergenerational equity,” it is not the province of this Strategy to fetter the ability of future generations to be able to have their say in the development of the village.

The outcomes envisioned in this Strategy, and in other Small Towns and Villages Settlement Strategies, require implementation through a Local Environmental Plan. This may occur either as amendments to the current Plan or through a completely new Plan.

2 EXISTING CONDITIONS AND FUTURE TRENDS

2.1 DEMOGRAPHIC STATISTICS

In 2001 Census figures, Brunswick Heads has an estimated residents population of 1836 people. 60% of the population was aged from 15 to 64 years, with 23% aged 65+ years and a further 16.9% are aged under 15 years. Brunswick Heads has the highest proportion of aged population in the Byron Shire.

Outcome 1: preference for full life-cycle housing, low maintenance housing, generally smaller dwellings, ease of access.

The median weekly individual income is between \$200 - \$299 and the median weekly household income is between \$300 - \$399. The average household size is 2 persons. 63.3% of the population is aged, not available for work or unemployed. There is a need to recognise and acknowledge that many residents may not be employed (due to health/disability/age) and many will remain on fixed low incomes despite any apparent growth in economic activity. The need to keep a high level of affordable housing in Brunswick Heads is clear from the above statistics if the existing demographic structure is to be maintained.

43% of the community live alone, 53% live in family houses and 3.7% in group houses. Family types vary, with single parent families accounting for 28.6% of the population, couples with children 27.8%, couples without children 42% and other family types 2%. 43% of the population are married with 29% never married. The remainder (28%) is separated, divorced or widowed.

The average occupancy rate is 2 persons per dwelling. This is relatively low compared to Byron Shire that has 2.4 persons per dwelling.

Outcome 2: lower occupancy rates suggest a demand for smaller than average dwellings; garden flats.

43.6% of housing stock is rental properties (including both permanent and tourist accommodation). 48% is owner occupied. A high proportion of residents live in a flat or unit (24.6%) or other form of accommodation (25.3%). Brunswick Heads has a high proportion of people renting compared to other towns within the Shire.

The village continues to have the highest proportion of households in the Shire with no vehicle (18.7%).

Outcome 3: reduce car reliance by concentrating any additional population near shopping and recreation areas. Facilitate affordable housing and aged care housing. Facilitate SEPP 5 developments and developments by Department of Housing.

2.2 PHYSICAL CATCHMENT ASSESSMENT

Major natural constraints to the expansion of Brunswick Heads are the Brunswick River and the Nature Reserves to the north, west and south, flood-prone land around the river and to the west, and wetlands and coastal erosion immediately along the coastline.

The new Pacific Highway, which bypasses Brunswick Heads, provides a major built constraint to development to the west. A potential growth area along Saddle Road is relatively remote from Brunswick Heads. The location of the bypass has resulted in the Saddle Road area relating more to Mullumbimby than to Brunswick Heads, at least in the short term. A new interchange south of Brunswick Heads will provide a direct link to Saddle Road. This will enhance the Saddle Road area's links to Brunswick Heads. Saddle Road lies outside of the Brunswick Heads study area.

Flooding

Council requires the floor levels of new residential buildings to be 500mm above the 1-in-100 year flood level. Parts of Brunswick Heads, especially at the north of the village around the river, are flood prone at the 1 in 100 year level.

Bayside Brunswick is generally unaffected by the 1 in 100 year flood level, although the Rural 1(d)(Investigation Zone) land to the south is partly floodprone (refer to Section 5.10.1).

Steep slopes

The Brunswick Heads area is generally quite level. The investigation sites near the southern intersection with the Pacific Highway have some slopes above 20%. This land is unsuitable for residential development.

Significant Vegetation

There are several areas of significant vegetation around the outskirts of Brunswick Heads. Land adjoining the western fringe of the village (Brunswick Heads Nature Reserve) and land south of South Head Road along the coast (Tyagarah Nature Reserve) is under NPWS management.

Significant vegetation is also found to the east and south of the Bayside Brunswick estate.

Remnant vegetation around the south west of the village is bisected by roadworks but still provides a connection, or corridor, between larger areas.

Sewage treatment works

Council is progressing the upgrade of the sewerage system for the Brunswick River Valley. This will involve the closure of the existing Mullumbimby and Brunswick Heads Sewage Treatment Plants (STPs) and the construction of a new STP at the Valence Road site. These works are expected to be complete by 2009.

Potential subdivision areas at the south of Bayside Brunswick are further than 400m from the plant. Land to the north of Bayside Brunswick and currently zoned Rural 1(a)(General Rural Zone) is within the 400m buffer. Until such time as the Brunswick Heads plant is closed and the site adequately rehabilitated, the residential potential of lands within the buffer shall be constrained.

Potential Acid Sulfate Soils

Potential acid sulfate soils exist in and around Brunswick Heads, although there is generally a low risk of exposing acid sulfate material in the residential areas. Council is currently processing an amendment to the Local Environmental Plan (Amendment 11/98) to more effectively manage disturbance of acid sulfate soils.

Visual catchment

Brunswick Heads is not visible from the Pacific Highway. The visual amenity of the village is mainly derived from its tree lined entrance roads, lack of sprawl along its entrance roads, compactness, easily accessible riverfront open spaces and proximity to the ocean. There are no residential development areas proposed in highly visible locations.

Land near the southern intersection with the Pacific Highway contains steep slopes and a ridge which is visible from public roads and residential areas. The potential for adverse visual impact is a factor in assessing the development potential of this land.

Other constraints

Other constraints include:

- the historic development of the village around the Pacific Highway. This has resulted in a dispersed commercial pattern with many developments operating under existing use rights in a residential zone.
- visually prominent ridges in the south-west and south; and
- an important geological resource, specifically an ocean groyne quarry site.

Outcome 4: Outward expansion will be confined to the land in the 2(a)(Residential Zone) south of the village in the Bayside Brunswick area.

2.3 SERVICES

Roads

Brunswick Heads was until 1999 bisected by the Pacific Highway which ran through the village as Tweed Street. Construction of the bypass has dramatically reduced the volumes of traffic on Tweed Street. It is still possible for highway traffic to detour through the village via interchanges at the north and south. This is encouraged when tourists require highway type services such as petrol, food and bank facilities rather than providing such facilities at the interchanges themselves. The idea of tourists being encouraged to experience a small village for such facilities stands in marked contrast to what is observed at interchanges outside of Byron Shire.

The Roads and Traffic Authority is continuing to upgrade the Pacific Highway. The Yelgun to Chinderah motorway has increased the accessibility of Brunswick Heads and the whole Shire to tourist, commercial, freight and possibly commuter traffic related to south-east Queensland and other settlements in the region.

The Brunswick Heads bypass provides an opportunity to transform Tweed Street into a more residential environment and to improve traffic management in the village.

Streets in the Brunswick Heads village are laid out in a grid pattern that provides choice in traffic routes and road hierarchy. Intersections carrying higher volume in Tweed Street were constructed and marked out under highway conditions.

The streets in the village, especially west of Tweed Street, are characterised by wide grassed verges. Most have the older style vertical kerb and guttering rather than the roll-over type common in more recent subdivisions.

The future role of back lanes – including upgrading requirements, building setbacks, access to garden flats, pedestrian and bicycle routes and traffic capacity – requires further investigation during the development of LEP and DCP planning controls.

Section 94 Plan

Council has a Section 94 plan to provide public car parking and other community facilities in Brunswick Heads. This plan is currently under minor review and Council will consider a draft revised plan in February 2005. Future public parking requirements will be addressed through standard Section 94 operational procedure. The next major review of the S.94 Plan is scheduled for 2006/7.

Access

There is an opportunity to improve pedestrian access and amenities in the shopping areas with appropriate streetscaping. Bicycle tracks around the village and between local communities should be provided.

The vision for the village includes the retention of a family-oriented atmosphere and environmental sustainability. These values could easily be eroded by cars. Any increase in population density should be located within walking distance to the main attractions – the beach, the shopping area and the riverside parks – rather than requiring a car trip.

The opportunity to create a car-free area in the village centre – perhaps one of the lanes – merits further investigation in conjunction with local community groups such as the Chamber of Commerce, the Progress Association and the Streetscaping Forum.

Water Supply

All of the village area of Brunswick Heads is provided with reticulated water supply administered by Byron Shire Council. Rous County Council supplies bulk water. There are currently no constraints on the water supply infrastructure for Brunswick Heads. However, minor works will continue to maintain water quality standards and levels of services.

Sewer

Council is progressing the upgrade of the sewerage system for the Brunswick River Valley. This will involve the closure of the existing Mullumbimby and Brunswick Heads Sewage Treatment Plants (STPs) and the construction of a new STP at the Valence Road site. These works are expected to be complete by 2009.

Brunswick Heads STP is currently at or over capacity and Council has resolved to not approve any further development that would increase the load on the STP.

Social infrastructure

Work has commenced on identifying and mapping of the community infrastructure of Brunswick Heads. A computer mapping system will be developed to identify public land .

List of public buildings and lands

Community facilities

Community Centre
Library
Public School
Pre-School

Halls/Meeting Places

Memorial
CWA
RSL
Guides
Scouts
Uniting Church and Anglican Church Halls
Housie Shed
Soundshell

Sporting/Recreational Facilities

Boat Harbour
Surf Club
Stan Thompson Oval
Tennis Club
Skate Park

Parks/Reserves

Terrace, Torakina, Banner, Cenotaph, Pilgrims Parks

Tyagarah & Brunswick Heads Nature Reserve (including West Brunswick additions)

The Terrace, Massey Greene & Ferry Reserve Caravan Parks.

Major social infrastructure improvements in Byron Shire, such as a new high school and improved Shire hospital facilities, are required to support additional population in Brunswick Heads. There may also be opportunities for a new private high school.

Brunswick Heads has a primary school but no high school. The nearest public high schools are at Byron Bay and Mullumbimby. The Department of Education and Training is currently investigating purchase of land at Bayside Brunswick for a new high school. More recently however, the Department seems to have deferred any immediate commitment to a new high school site and capital works program in favour of upgrading the Mullumbimby high school.

The Department of Health is currently investigating sites for a new hospital as a replacement for hospitals at Mullumbimby and Byron Bay.

2.4 DESIGN

Urban design has a central role in making towns and villages more:

- *environmentally responsible*, by fitting new town and village development and infrastructure into the built and natural environment; and
- *equitable*, by improving the distribution and accessibility of services and facilities within the community.

Change and development should be managed so that:

- consistent elements which reinforce the village's fundamental character can be maintained;
- inconsistencies which detract from the village's character can be remedied, and
- guidelines for future development can be established.

The Brunswick Heads village centre has a uniformity in building height, bulk and density. Many developments in the commercial area are 2 storeys high and there are a few 3-storey buildings. Residential development is also a mixture of single and 2 storey, with a very few 3 storey residential flat buildings.

The village contains heritage buildings including the Brunswick Heads Hotel. Other buildings, sites and areas, whilst not heritage items, contribute to the character of the village.

It is important for redevelopments to retain the streetscape and character of the village. A Development Control Plan should include controls that maintain and reinforce the desirable physical characteristics of the village centre. It could also introduce new design elements such as awnings or verandahs over footpaths although this issue needs to be addressed sensitively – some of the older buildings are not architecturally suited to additions.

Generally development should be limited to a height of two storeys. Three-storey development is not compatible with the community's vision for the village.

Outcome 5: two storey height limit; local design guidelines for Brunswick Heads, with specific reference to the town centre, in a Development Control Plan.

3 SUPPLY AND DEMAND

3.1 THE CONCEPT OF SUPPLY AND DEMAND

The future demand-supply dynamics of town and village housing in the Shire will be influenced by a range of factors which include, but are not necessarily limited to, the following:

Demand factors

- rate of population growth within the Shire;
- interest rates;
- taxation/investment incentives (negative gearing);
- the availability of superannuation funds to retirees;
- accessibility of shops, schools and other services;
- the limited availability of residential housing in other town and villages, particularly if availability is linked to the provision of adequate sewerage capacity;
- the relative cost and availability of housing in the adjoining coastal Shires of Ballina, Tweed and the City of Lismore; and
- lifestyle perceptions.

Supply factors

- the "finite" amount of land in the Shire available for urban development by current and future generations;
- willingness and ability of landowners to release land onto the market;
- willingness and ability of landowners to redevelop existing urban sites to higher densities; and
- the cost and availability of housing in other areas.

Supply of land is essentially a function of the willingness of developers to rezone land in accordance with a land release program and their ability to finance the costs of development. It is not necessary to provide for speculative demand by zoning land beyond reasonable requirements, say five years.

Supply of higher density residential redevelopment is also linked to developer intentions, as permitted under Council planning controls.

3.2 SUPPLY ANALYSIS

Status of Available Land

There is a considerable timeframe involved in residential land development. The following factors are a simplified version of development processes:

- Identifying land with residential capacity
- Rezoning
- Subdivision design
- Processing of development application
- Preparation of detailed engineering plans
- Subdivision works

Altogether this process can easily take 5 years. There are therefore different stages in the “availability” of land zoned 2(a)(Residential Zone).

There are approximately 22 hectares of land zoned 2(a)(Residential Zone) in one contiguous area at Bayside Brunswick. This includes areas on the east which have regenerated with native vegetation since being zoned 2(a)(Residential Zone). Fragments of significant vegetation on the west – particularly scribbly gum – are contiguous with similar vegetation on adjoining properties and should be retained for their habitat value and contribution to a local wildlife corridor between land to the south and to the west.

There are areas of land zoned 1(d)(Investigation Zone), although none are considered suitable for urban development.

Land supply is therefore limited to the Bayside Brunswick area. This land will not be available until:

- sewerage treatment capacity is available;
- subdivision design and engineering plans have been approved by Council;
- subdivision works have been constructed.

3.3 DEMAND ANALYSIS

The 1997 GHD Study revealed that, based on the 1996 census data, 1838 people were living in 875 dwellings, resulting in an occupancy rate of 2.06 people per dwelling.

The density of residential development in Brunswick Heads is approximately ten dwellings per hectare.

The average annual population growth rate for Brunswick Heads over the last 10 years has been about 2% per year. Recent development rates are:

	Dwelling (houses)	Dwellings (units)
1996	12	2
1997	17	3
1998	23	10
1999	17	2
To June 2001	4	0

The peak of 1998 has not continued due to diminished land supply. This is principally due to the sewerage moratorium which has prevented subdivision of land as well as the development of more than one dwelling on an allotment.

The sewerage moratorium is likely to continue until at least 2003. Until that time growth will be negligible.

3.4 BALANCING SUPPLY AND DEMAND

There is no land available in the village for subdivision, other than by re-subdivision of a few isolated large lots.

The first stages of the Bayside subdivision have been developed. There are only a few vacant lots remaining, and there are only a few vacant lots in the village. Further subdivision of land will not be permitted until sewerage infrastructure is upgraded.

The undeveloped part of the Bayside Brunswick estate has the capacity for approximately 270 lots. At recent growth rates this represents about 13 years of land supply.

The strictly constrained land supply, compared to the peak growth of 1998, suggests that there is strong pent-up demand for new residential subdivision in Brunswick Heads.

This demand will not be realised if the Department of Education and Training buys all or part of the Bayside site for a high school.

Balancing of supply and demand is quite difficult under these circumstances, but that is almost academic. This Strategy indicates that the supply of residential land will, sooner or later, be exhausted. Any additional population will have to be either accommodated through redevelopment and upgrading of existing housing stock, or will need to be accommodated in other towns and villages and possibly outside of the Shire.

The standard supply and demand economic model indicates that real estate prices will inevitably increase, and this will flow on to increases in rent and a decrease in the affordability of housing. Furthermore, in an inflated real estate market housing stock is likely to be upgraded, with improved capital value being further reflected in prices and rents.

Outcome 6: Available zoned land is likely to be consumed within 10-15 years. Pent-up demand may result in a sudden surge of growth when the sewerage moratorium is lifted.

4 OUTCOMES - GENERAL

This Strategy, implemented through Local Environmental Plan/s and Development Control Plan/s, will achieve the following outcomes.

4.1 ACKNOWLEDGEMENT OF LIMITED LAND SUPPLY

This Strategy acknowledges that there are quite severe environmental and infrastructure constraints to development and, once existing residential land is

developed, no further land will be available for subdivision. After that, any additional population will have to be accommodated in higher density redevelopments in existing residential areas or in other towns and villages quite possibly outside of the Shire.

4.2 RELIANCE ON EXISTING USE RIGHTS

Existing use rights - that is, the right to continue a use prohibited under a current zone – are provided under the Environmental Planning and Assessment Act and Regulation. Existing use rights allow non-conforming types of development to be continued, to be redeveloped or to be changed to other forms of non-complying development, subject to development consent. Reliance on existing use rights will encourage transition to the desired development pattern in the long term. The onus is on the landowner to establish existing use rights.

There are several developments in Tweed Street operating under existing use rights in the 2(a)(Residential Zone). They are generally benign and are compatible with the residential neighbourhood. There are some industrial-type developments such as car repair stations and panel beaters in Tweed Street which, whilst not problematic at present, may be better off relocated to an industrial area in the long term.

Any application for intensification, extension or modification of those uses in their present location should be considered carefully in terms of possible impacts on the residential amenity of the area which this Strategy endeavours to improve.

There are a considerable number of medium density developments – holiday flats and residential flat buildings – in the village generally east of Tweed Street. Many are on allotments which would be considered too small under current community expectations, and many are deficient in carparking under current standards. Existing use rights would maintain the permissibility of medium density development, but would also allow application for redevelopment to other non-conforming uses. This is an undesirable situation from the community's viewpoint as it can result in unforeseen and potentially undesirable types of development.

Simply zoning these areas for medium density is not desired by the community as it may fuel speculation leading to redevelopment of consolidated lots with developments of an unprecedented and undesirable bulk.

Recognition of existing use rights under local planning instruments to the actual quantum of the existing development would provide certainty to landowners and to the community as the likely long term form of development on these sites.

Applications for redevelopment should address the planning controls of the day, particularly:

- car parking requirements. These have increased in recent years; a site may not be redeveloped to the same number of dwellings or floorspace if an increase in on-site car parking is required.
- building setbacks should be considered in context. Strict application of generic numerical setbacks may lead to an adverse design outcome – for example it may be inappropriate to set a new building further back than all others around it. Consideration should be given to the circumstances such as the existing

building footprint, and setbacks (on all sides) of adjoining and nearby developments.

4.3 IDENTIFICATION OF HERITAGE VALUES

Input from the Brunswick Heads Village Committee suggests that an area generally to the south of the business area, around Booyun Street, contains buildings which contribute to the character of the village.

Council's heritage advisor inspected Brunswick Heads in late 2000 and provided the following advice:

"It is hard to define a character for Brunswick Heads. Overall the standard of the built environment is rather poor. Furthermore much of the new development is also of very poor quality in terms of aesthetic values and urban context.

"The use of character area definitions to protect the character in Brunswick Heads would not appear to have much potential. However there are about forty buildings that could be put onto a draft heritage list for consideration . The identification of these items might provide an opportunity for the assessment of any new proposals in a more rigorous way than would be possible at present.

"The current listing of items on the LEP schedules is inadequate and now inaccurate in part. New schedules of draft listings should be prepared for discussion with the settlement strategy input groups and the wider community."

If the community is adamant that specific buildings or areas are to be retained as they are, and Council supports this view, specific design and development controls will be required.

At present Council is undertaking a community based heritage study that considers potential heritage buildings and items throughout the Shire.

4.4 AFFORDABLE HOUSING

Real estate prices have boomed in recent years and rents can be expected to rise. Housing stress can be expected to increase.

Supply and demand economics indicate that there must be intervention in the free market process if affordable housing is to be provided. Such intervention already occurs through Department of Housing lease arrangements. Council can play a role by for example prohibiting subdivision of certain forms of development such as garden flats.

The Department of Housing is not expected to increase its stocks in Brunswick Heads. Incentives and development options are needed to maintain a supply of rental accommodation in response to the demographics of the town. The Department has advised that it is experiencing increasing demand for smaller (1 and 2 bedroom) dwellings.

Based on information from the Byron Community Profile and census data, this Strategy recognises the role of caravan parks (through their respective Management Plans) as a significant provided of affordable housing, whether intentional or

otherwise. Council is currently involved in discussions to resolve the tenure of permanent caravan park residents in Council-controlled parks.

4.5 DESIGN GUIDELINES

This Strategy assumes that a Development Control Plan will be created for Brunswick Heads, with particular reference to:

- Tweed Street redevelopments;
- the town centre;
- historical and neighbourhood character issues;
- general residential development guidelines.

Development should be compatible with the Vision Statement of this Strategy and the built form and historic characteristics of the neighbourhood. The community, through the Streetscape Forum and other processes, is developing a map of particular buildings and places which contribute to the character of Brunswick Heads. Such maps should, if adopted by Council for planning purposes, be taken into consideration in development proposals.

4.6 MINIMISE DEVELOPMENT ON FLOOD PRONE LAND

Parts of Brunswick Heads are subject to flooding at the 1 in 100 year level. In the absence of a *floodplain management plan*:

- No further development involving filling or a intensification of runoff should be permitted on floodprone land;
- Hard surface area should not be increased on existing developed residential land;
- Consideration may be given to non-structural development, such as open space, camping and caravan parks in accordance with regulations and best practice for such development.

4.7 ENVIRONMENTAL REPAIR AND ENHANCEMENT

Brunswick Heads village is bound by the sea, the Brunswick River, and areas of significant vegetation and habitat that are under the control of the National Parks and Wildlife Service. No significant land use conflict issues have been identified. No buffers are required or proposed between existing residential development areas and agriculture, horticulture or extractive industries.

The Bayside Brunswick subdivision area is flanked by areas of significant vegetation to the east, south and west. Future development of the estate should provide buffers to reduce human impact as well as to provide adequate for fire source separation to dwellings. Buffers should be provided on the developer's land.

Single-sided roads (houses on one side, bush on the other) should be considered as a means of bringing natural areas into the public domain. Natural areas can be made visible and more accessible for public amenity, maintenance and landcare purposes (especially if footpaths are provided) through the use of single-sided roads and well-used footpaths and cycle tracks, compared to a subdivision pattern which leaves them unseen and unappreciated if relegated to being 'over the back fence' of a residential area.

4.8 TOURISM

This Strategy will continue the tradition of tourist accommodation in Brunswick Heads. Existing tourist accommodation, particularly caravan parks, are very well patronised.

Tourist accommodation needs to be located so as to preserve the amenity of residential areas.

The community has expressed a desire to see integration of tourist accommodation rather than a special precinct dominated by it. It is proposed to limit tourist facilities to near the central area, and to permit new dwellings in that area to be used for either tourist accommodation or permanent living. A new “dual use” definition is proposed for this purpose.

Sites near the southern highway intersection lend themselves to tourist facilities such as holiday cabins or motel development, although commercial viability and developer intentions will determine whether this proceeds.

4.9 MINIMISATION OF CAR DEPENDENCE

The preferred locations for medium density development are within walking distance of commercial, retail, recreational and cultural facilities. This will reduce reliance on cars and foster a pedestrian-oriented environment, consistent with the vision for the village.

The Bayside Brunswick subdivision contains an area of land zoned 3(a)(Business Zone). This land is adjacent to an existing childcare facility and a small park, and is suitable for a neighbourhood-level general store. A shop on this site would be in walking distance from most areas of the subdivision, and would reduce the need for car trips into the Brunswick Heads village.

4.10 ON-SITE PARKING

Car parking requirements for new developments are calculated in accordance with Council’s Development Control Plan schedules. All parking required for residential development should be provided on-site.

Commercial development may have the option of providing parking on-site or paying Section 94 contributions towards a Council car park. Mandatory provision of parking on-site for commercial development has adverse implications for streetscape and building design.

4.11 HEIGHT LIMITS

Residential developments in Brunswick Heads are generally a mix of single- and two-storey, with a few three-storey buildings closer to the town centre. Community feedback suggests that a proliferation of three-storey developments would seriously erode the low-key village atmosphere of the village.

A two storey height limit will apply throughout Brunswick Heads including the 3(a)(Business Zone).

Design controls are required to ensure that development is compatible with the desired future character of the town centre and wider village area, and maintain village amenity..

Applications for variation of height limits under the provisions of State Environmental Planning Policy No. 1 cannot be precluded by Council. Assessment of variations must be judged on merit with regard to such matters as the objectives of the zone and the height of other buildings in the locality.

4.12 NEW TYPES OF DEVELOPMENT

This Strategy has identified the need for a Council to recognise and facilitate the following new forms of development in Brunswick Heads. Refer to Appendix C for a list of existing and proposed definitions.

Garden flat

This is not an entirely new form of development. Otherwise known as a granny flat or studio flat, the garden flat is a small dwelling that has specific attributes such as:

- they are ancillary to another (usually larger) dwelling;
- they are relatively small, about double garage size;
- they may be attached (e.g. an 'undercroft' or 'downstairs' unit) to the "main" dwelling, or detached (e.g. a converted garage); and
- pedestrian (but not always vehicle) access and private open space may be separate from that of the other (or "main") dwelling.

The following points are indicative of possible development controls for garden flats, although this remains to be confirmed through planning instruments:

- either attached to, or detached from, a lawfully constructed dwelling-house (whether existing or proposed-and-not-yet-constructed);
- only where no more than 2 dwellings on an allotment will result;
- minimum lot size 700 m²;
- maximum gross floor area of 60 m² with up to 15 m² deck/balcony;
- must have direct access to a minimum of 30 m² of useable open space, inclusive of any deck/balcony; and
- car parking:
 - accessed from same street frontage as main dwelling;
 - 1 space for the main dwelling, except where primary access is off a lane in which case 2 spaces are to be provided as there is insufficient space in lanes for 'on street' parking;
 - 1 space for the garden flat;
 - a third space which MUST BE accessible to either;
 - stack parking and parking in front yards (between house and street frontage) is not acceptable.

Compliance with fire ratings and other Building Code matters is necessary.

These small dwellings will be permissible throughout the residential areas, other than in areas oriented towards medium density, motels and hostels.

Development controls are required to mitigate against impacts on privacy. Garden flats should not overlook adjoining backyards. The privacy of garden flats and

associated open space should also be protected from overlooking, especially from the main dwelling.

Garden flats accommodate additional population and should be levied section 94 contributions accordingly.

Bed and breakfast establishments (B & B's)

The current definition allows up to 5 guest rooms in a bed and breakfast establishment. Council has recently moved to amend the definition to a maximum of three guest rooms.

It is acknowledged that B & B's can provide additional income to householders and are an increasingly popular form of tourist accommodation. However the commercial nature of large scale B & B's and the impacts such developments may have on local residential amenity, such as additional traffic and noise, suggest that there needs to be some control over the scale of B & B operations.

Brunswick Heads is more suited to smaller B & B's of up to three guest rooms.

It is proposed that B & B's be split into size classes. Facilities with up to three guest rooms would be permissible in the business area, two guest rooms in the residential area east of Tweed Street, and only 1 guest room elsewhere.

Medium density

Existing definitions do not provide the flexibility required to address all possible forms of multi-unit development.

A new umbrella definition is required which covers residential flat buildings, villas, townhouses, combinations of attached dual occupancy buildings and the like.

Mixed development

Mixed residential/commercial development has in the past been dealt with under the different requirements of each defined use. The context of residential developments in a commercial area requires focussed consideration. For example, developments in commercial areas can presently be built to the boundary, without setbacks. This has the potential to adversely impact on the amenity of residential dwellings.

Integrated "mixed development" controls are required.

Dual purpose residential development

This Strategy proposes to not differentiate between tourist and permanent residential accommodation in the business area of Brunswick Heads. Development in this area is likely to be in the form of mixed residential/commercial development. A single "dual purpose" definition is required (refer to the glossary of terms in Appendix).

4.13 POPULATION CAPACITY

Under this Strategy, Brunswick Heads will be capable of accommodating additional population until 2008 if the Bayside Brunswick high school goes ahead, and to 2015 if the Bayside land is used for residential purposes. Beyond either 2008 or 2015 additional development at Brunswick Heads is not possible given the physical and

environmental constraints and assuming the continuance of current development density controls and community values detailed in this Strategy.

The 1997 GHD Study estimated a long term population of 2653. This estimate was based on the 1996 population, plus the potential of vacant and undeveloped residential land. It did not estimate the development potential of existing residential land redeveloped to permissible densities.

The GHD estimate has been revised upwards due to the potential for redevelopment in the town centre and the provision of garden flats.

Two population estimates are given in the following table. An average occupancy rate of 2 persons per dwelling (from the 2001 census) has been considered as a minimum, yielding a low estimate.

Whilst statistics indicate a trend to lower occupancy rates, there may be some validity to a higher occupancy rate in the long term due to increasing rental costs which result in house sharing. As a comparison the average occupancy rate for Byron Shire is 2.4, and this has been used to yield the high estimate. A high estimate is prudent to ensure infrastructure upgrades are sized appropriately.

There are no records of the number of existing garden flats. Population projections range from a low of 1.2 (the average for 1 bedroom medium density units) to a high of 2 (the average rate for a dwelling in Brunswick Heads).

Area	Low	High
3(a)(Business Zone)	90	111
South Beach Road	0	0
Land generally west of Tweed Street	264	419
Land east of Tweed Street <u>not</u> in 3(a)(Business Zone), between Nana Street and Mullumbimbi Street	37	46
Land east of Tweed Street <u>not</u> in 3(a)(Business Zone), south of Nana Street and north of Mullumbimbi Street	4	5
Land with frontage to Tweed Street, between Nana Street and Mullumbimbi Street	41	51
Bayside Brunswick (existing)	27	33
Bayside Brunswick (future stages at 10 dwgs/ha)	560	690
Ferry Reserve	6	7
TOTAL	1029	1362

The average of the high and low estimates is 1195.

The maximum theoretical population capacity of Brunswick Heads under this Strategy will be:

2001 population	1836
Estimated additional population	1362 (High)
TOTAL	3198 (approx 3,200 rounded)

This assumes that every lot will be developed to its fullest permissible potential, which is highly unlikely. A more realistic estimate would see the maximum development of perhaps 70% of allotments.

Population growth has exceeded 4% annually in recent years, although there has been a significant downturn in the last year or two because of the “sewerage moratorium”.

Once the moratorium is lifted development may accelerate in response to pent-up demand, subject to a time lag in gaining subdivision and redevelopment approvals. The long term growth rate is likely to be higher than in the past.

If Bayside Brunswick is bought for a school site, the population capacity of Brunswick Heads will be reduced to approximately 2500. This reduced figure will be achieved primarily through development of dual occupancies, residential flat buildings and garden flats. Based on average population growth rate of 4%, this population will be reached in around 2008.

If garden flats are not accepted by landowners and are not developed, total population capacity will be further reduced and will be achieved sooner.

5 OUTCOMES FOR SPECIFIC AREAS

The proposed permissibility schedule for different uses is set out in Section 6.

5.1 3(A) BUSINESS ZONE

There is insufficient justification to significantly modify the zone boundaries (for example, to extend the zone to Tweed Street). Bayside Brunswick is capable of additional residential development, which will stimulate commercial activity in the village.

Minor adjustments to the zone boundary should be investigated to rectify anomalies, such as:

- the zone boundary goes through the middle of the long axis of an allotment in Fingal Street.
- buildings at 40 & 42 Mullumbimbi Street contribute to the historic residential character of the village. Rezoning to a residential zone should be investigated.

Other outcomes for the 3(a)(Business Zone) are:

- 7.5m two-storey height limit.
- Residential development to be permitted only if commercial floorspace is provided on the whole of the ground floor street frontage of developments;
- Residential development to be permitted in accordance with a unit-area formula. The intention is to reduce the incentive to consolidate adjoining allotments and redevelop buildings of undesirable bulk and scale;
- No differentiation between tourist and permanent residential accommodation.
- Design guidelines are required. Monitor progress on current community-based plan for streetscape adaptation to facilitate outdoor dining. Consider front

boundary setbacks for refreshment rooms to facilitate outdoor dining at least partly on-site.

- Driveway crossovers over footpaths in the central business area will erode pedestrian amenity and village ambience, and should be avoided.
- There are no excavated or basement-level carparks in Brunswick Heads at present. They are reminiscent of metropolitan environments or of Byron Bay itself (many submissions to the Draft Strategy expressed the view that “we don’t want Brunswick Heads to be like Byron Bay”). They are not compatible with the desired future character of Brunswick Heads.

5.2 TWEED STREET CENTRAL

This refers to allotments fronting Tweed Street between Mullumbimbi Street and Nana Street.

A redevelopment theme is required. The community-based Streetscape Forum is developing plans for streetscape improvements in Brunswick Heads. Landscaping and other themes can be addressed through the Council planning controls, Council works, and grant programs.

This central section is suitable for motels and hostels.

5.3 TWEED STREET, NORTH AND SOUTH

This relates to land north of Mullumbimbi Street and south of Nana Street. These are the only road approaches to the village. Development should be at lower densities on the outskirts of the village:

- single dwellings
- garden flats
- dual occupancy
- no medium density, motels or hostels

The four lots north of Mona Lane should be subject to a substantial north boundary setback to maintain foreshore amenity. The setback should be established either from the northern property boundaries or from the foreshore itself.

5.4 EAST TWEED STREET

This relates to land east of those lots which have frontage to Tweed Street, and between Nana Street and Mullumbimbi Street. This is a transitional area between the mixed developments of Tweed Street and the 3(a)(Business Zone):

- single dwellings
- dual occupancy (800 m²)
- garden flats

5.5 WEST OF TWEED STREET

Apart from an area north of Pandanus Court already containing residential flat buildings on larger lots, land west of Tweed Street is to maintain its low density non-commercial residential character:

- single dwellings

- garden flats
- dual occupancy (800 m2 minimum)

The same applies to land south of Nana Street and north of Mullumbimbi Street on the east side of Tweed Street.

5.6 BAYSIDE BRUNSWICK

Bayside Brunswick is developing a new residential focus and is capable of providing diverse residential development:

- Single dwellings
- Garden flats
- Dual occupancy
- Medium density.

There is no medium density development alongside the southern end of Tweed Street. The low density approach to the village should be maintained.

5.7 2(T) TOURIST AREA ZONE NEAR THE SURF CLUB

This is an undeveloped Crown reserve accessed from South Beach Road, south of the community centre and tennis courts.

The current 2(t)(Tourist Area Zone) permits a range of developments and uses which are inappropriate to the site or to Brunswick Heads in general. The land is not suited to a resort or tourist unit style of development.

It is undeveloped at present, and contains some scattered regrowth native vegetation. It is adjacent to the Tyagarah Nature Reserve.

Alternative zoning, including Environmental Protection, should be investigated.

5.8 SOUTH BEACH ROAD

The small lot sizes (the average is less than 500 m²) are not suited to higher densities. The locality is ideally sited for tourist accommodation and some houses are already let for holiday rentals. This area should be restricted to single dwellings only, with no differentiation between “tourist” and “permanent residential” accommodation.

5.9 FERRY RESERVE

This small subdivision has small lot sizes and is remote from the town centre. It is suited to low density residential development such as single dwellings. A few lots sites are of sufficient size to allow garden flats.

5.10 1(D) INVESTIGATION ZONE AND 9(A) PROPOSED ARTERIAL ROAD ZONE

South of Bayside Brunswick

This land (Lot 4 in Deposited Plan 576360; Lot 2 DP 536396; Lot 14 DP 881230) is zoned 1(d)(Investigation Zone). It is constrained by significant vegetation – there is prolific regrowth of coastal heath – and is partly floodprone. It is not suitable for residential development.

Outcome 7: investigate rezoning in accordance with established criteria for Environmental Protection.

North-west of Pacific Highway intersection

Parts of the 1(d)(Investigation Zone) land north (Lot 10 DP 844553) of the Pacific Highway intersection with the old highway are unconstrained. However there is significant vegetation on the far south and north west and some scattered remnant native trees, but it is otherwise degraded farmland which would benefit from environmental management and repair. In the unconstrained parts, the most suitable building sites are on top of the ridge, much of which is visible from the Pacific Highway. The land is not a significant agricultural resource and is constrained by steep slopes and noise from the highway. It is not suitable for residential development, although a single dwelling entitlement may improve opportunities for land management.

This land is part of a larger allotment, the majority of which lies west of the highway. The original holding was bisected by the bypass.

Outcome 8: rezone to appropriate rural zone 1(a)(General Rural Zone). Consider subdivision from parent parcel to allow one dwelling entitlement.

North-east of Pacific Highway intersection

The 9(a)(Proposed Arterial Road Zone) is now obsolete as the highway route has now been chosen and constructed.

The land in question (Lot 1 DP388031) is adjacent to and west of the old Pacific Highway. It currently contains a single dwelling-house.

There are small areas of significant vegetation on the far north and far south of property. The land is further constrained by steep slopes up to a visually prominent ridgeline, leaving a relatively small area of developable land.

The landowner has submitted a proposal for rural residential subdivision, however there is presently no need for additional rural residential development beyond that identified in the Byron Rural Settlement Strategy, 1998. The landowner may wish to apply for inclusion in the Rural Settlement Strategy when it undergoes a structural review in the next few years.

The land is physically dissociated from the village and is not suited to urban development.

In terms of other uses, the proximity of this site to the highway may make it a viable site for low-impact tourist facilities such as a motel or a very few holiday cabins.

Outcome 9: rezone to 1(a)(General Rural Zone) with LEP Schedule listing for tourist facilities.

West of Tweed Street

Located adjacent to the old Pacific Highway, opposite the service station on the southern approach to the village, this land (Lots 325 and 327 DP 755692) is currently being used as the base for a local earthmoving company. Currently, industrial-scale buildings provide servicing and maintenance facilities for heavy equipment and trucks.

There is merit in providing an area for future relocation of existing industrial-type uses from other areas of the village, particularly Tweed Street. The land is surrounded by bushland and is separated from the nearest residential land by a busy street. 4(a)(Industrial Zone) is appropriate.

Adjacent road reserves are also zoned 1(d)(Investigation Zone) at present. They should be rezoned to the predominant neighbouring zones, which are 7(b)(Coastal Habitat Zone) and 2(a)(Residential Zone). Zone boundaries need to be placed so as to prevent residential development under the boundary variation provisions of Clause 42 of the Byron LEP 1988.

Outcome 10: further liaison with landowner as to intended future uses; rezone to 4(a)(Industrial Zone) and 7(b)(Coastal Habitat Zone).

West of Byron Street

This land (Lot 419 DP 729256), as well as a corridor of land zoned 9(a)(Proposed Arterial Road Zone), is owned by the National Parks and Wildlife Service. It should be rezoned accordingly.

Outcome 11: rezone to 8(a)(National Parks and Nature Reserve Zone).

6 IMPLEMENTATION

This Strategy will be implemented through a new LEP for the Shire and a new Development Control Plan for Brunswick Heads. The new LEP will be a Shire-wide instrument and will be quite complicated in view of the number of Settlement Strategies and other matters to be addressed.

A related date in this process is the commissioning of new sewerage infrastructure, without which there can be no further development in Brunswick Heads. It is anticipated that this will occur in 2003, although it is reliant on State government funding which is not guaranteed at this point in time.

6.1 LAND RELEASE PROGRAM

It is inappropriate to approve subdivisions which may not be developed until many years into the future. Community attitudes and environmental legislation can change quickly. Prominent examples of controversial long-term approvals are the Detala subdivision in Byron Bay, the service station at the corner of Shara Boulevard and the Pacific Highway, and the original subdivision approval for the Ocean Shores which still has not been completed.

The Bayside Brunswick land adjoins environmentally sensitive habitats which are exhibiting rapid regeneration and development of natural ecosystems. The

undeveloped parts of the Bayside subdivision area are known to contain habitat for the Wallum Froglet, a threatened species.

In view of the potential for natural habitat to regenerate on this land, future subdivisions of this land should be restricted to a 5 year supply of allotments. This figure may be derived from past uptake rates as well as an estimate of 'pent up' demand during the sewerage moratorium (this may in fact indicate that the whole subdivision area could be consumed in 5 years). Further stages may be considered when the majority of the approved lots have been purchased and developed. This will limit speculative demand and should ensure reasonable consistency with contemporary planning controls.

Outcome 12: Subdivision approval should be controlled to provide a 5 year supply of land, the area of which will vary depending on uptake rates.

6.2 DEVELOPMENT CONTROL PLAN

There is no site-specific DCP for Brunswick Heads. The development control guidelines of Byron DCP 2002 apply. There is a DCP for Bayside Brunswick.

A Development Control Plan is to be developed for Brunswick Heads. The DCP will contain objectives and design criteria which will ensure development addresses the vision of this Strategy and the outcomes for each area. The DCP should also realistically facilitate the permissible forms of development rather than simply provide further obstacles or restrictions.

Design guidelines are required for:

- dual purpose development;
- mixed commercial/residential development;
- commercial development, including provision or reinstatement of verandahs and awnings over footpaths;
- a streetscape plan for the Tweed Street central area;
- setbacks to be applied to redevelopments where existing developments are at minimal setbacks, such as Tweed Street;
- dwellings or areas which contribute to the character of the village;
- standards for managing traffic in the lanes, including maximum environmental capacities and upgrading requirements.

6.3 LOCAL ENVIRONMENTAL PLAN

The existing zoning system is not capable of delivering the detailed outcomes of this Strategy without complex "special provisions" within the LEP and planning controls.

It is not a simple case of modifying existing zone boundaries. In order to provide a legal framework for the outcomes envisioned in this Strategy, the permissibility of different types of development will have to be prescribed in different locations. This may need a multiple zoning system or a place-based planning model as proposed in the PlanFIRST initiative of the Department of Urban Affairs and Planning.

As a guideline to the implementation program, the permissibility of residential development in specific parts of Brunswick Heads is listed in following sections. A more detailed listing of uses will be established during the development of the LEP.

Certain sites in Brunswick Heads – particularly the old service station sites – could be successfully redeveloped to a variety of uses. The acceptability of redevelopments to the community should be dealt with by a contingency system, along the lines of “these sites may be OK for [e.g. shops, medium density] but it depends on design.” These sites can be individually identified in planning instruments, along with contingency plans for a thorough public review of individual applications.

3(a) Business Zone

Permissible:

- residential development – dual occupancy, medium density;
- mixed residential/commercial development, commercial development at the whole of the street frontage;
- no differentiation between “tourist” or “permanent” residential occupation;
- hostels & motels;
- B & B’s up to 3 guest rooms

Prohibited:

- single dwelling-houses;
- garden flats.

South Beach Road

Permissible:

- single dwelling-houses;
- dual purpose dwellings;
- B & B’s up to 3 guest rooms.

Prohibited:

- dual occupancy;
- garden flats;
- medium density;
- hostels & motels.

Note: garden flats and dual occupancy are not available as there are no lots over 700 m². Rather than being permissible but impossible to achieve, it is best to prohibit them and remove all doubt.

Land generally west of Tweed Street:

Permissible:

- single dwelling-houses;
- garden flats (700 m² minimum);
- dual occupancy (800 m² minimum) in delineated precincts;
- B & B’s of 1 guest room only;
- Medium density in Pandanus Court area.

Prohibited:

- medium density (apart from Pandanus Court area);
- tourist facilities (holiday units);
- hostels & motels.

Land east of Tweed Street not in 3(a) Business Zone, between Nana Street and Mullumbimbi Street:

Permissible:

- single dwelling-houses;
- dual occupancy;
- medium density;
- hostels & motels;
- B & B's up to 2 guest rooms.

Prohibited:

- garden flats;
- tourist facilities (holiday units);
- hostels & motels.

Land east of Tweed Street not in 3(a) Business Zone, south of Nana Street and north of Mullumbimbi Street:

Permissible:

- single dwelling-houses;
- garden flats;
- dual occupancy;
- B & B's up to 2 guest rooms.

Prohibited:

- medium density;
- tourist facilities (holiday units);
- hostels & motels.

Land with frontage to Tweed Street, between Nana Street and Mullumbimbi Street:

Permissible:

- single dwelling-houses;
- hostels & motels (need to establish minimum lot size if any);
- B & B's up to 2 guest rooms;
- garden flats

Prohibited:

- medium density.

Bayside Brunswick:

Permissible:

- single dwelling-houses;
- garden flats;
- dual occupancy;
- medium density in new release areas (not in existing areas);
- B & B's (1 guest room).

Prohibited:

- Motels, hostels.

Note: If part or all of the remaining 2(a)(Residential Zone) land is to become a secondary school site it is unlikely that the threshold population required for a viable shop or other services will be reached. Unless other information comes to hand suggesting that services will be improved in this locality, medium density development should be precluded from Bayside Brunswick if the Department of Education and Training buys the land.

Ferry Reserve:

Permissible:

- dwelling-houses;
- garden flats;
- B & B's of 1 guest room only.

Prohibited:

- dual occupancy;
- medium density;
- tourist facilities;
- hostels & motels.

6.4 DEVELOPMENT CONSENT AND COMPLYING DEVELOPMENT

Consent for development may be obtained in two ways.

Some relatively minor types of development such as single dwelling-houses may constitute "complying development" if they satisfy specified criteria relating to height, setbacks and the like. A Complying Development Certificate certifies that a proposed development complies with the specified criteria for that type of development. Complying Development Certificates may be issued by Council or by accredited ("private") certifiers.

Byron Development Control Plan No. 16 contains the requirements for complying development.

Consent for non-complying development may be sought by lodging a development application with Council.

7 MONITORING AND REVIEW

Annual monitoring of rezoning and development statistics will indicate whether the outcomes of this Strategy are being delivered.

The Strategy should be reviewed after about 5 years. Growth rates may not be as predicted, and there may be new developments by the State Government near the village and in the region – the highway upgrades, a new hospital, improved high school facilities – which could influence the future of Brunswick Heads. The uptake rate and availability of residential land, and the rate and form of town centre redevelopments should be reassessed.

8 APPENDICES

Appendix 1: Glossary of Terms

Appendix 2: Links to State of the Environment Reporting

Appendix 3: Mapping:

- Map 1 Study Area
- Map 2 Unconstrained land
- Map 3 Residential precincts – village
- Map 4 Residential precincts – Bayside Brunswick

APPENDIX '1'

Glossary of terms

Many of these terms are adopted under Byron Local Environmental Plan 1988 (the LEP). Others are proposed new definitions or terms to enhance understanding of this document.

"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 5 bedrooms for accommodation. Such that, dwelling-houses will have a total floor area not exceeding 300m² (excluding separate garages, sheds or the like) in which not more than 12 persons would be accommodated. *This is the existing definition adopted under the LEP. Council has resolved to amend it to a maximum of three guest rooms. .*

It is proposed to split this definition into size classes to reflect the 3 levels of bed and breakfast accommodation proposed in this Strategy. This split-up acknowledges the commercial nature of large scale B & B's and the impacts such developments can have on local residential amenity, such as additional traffic and noise. The reference to 300 m² and 12 persons in the B & B definition is derived from the definition of a Class 1 dwelling under the Building Code of Australia. This is relevant because of building requirements (particularly fire ratings) for guest houses, hostels and the like. The proposed size classes are one guest room, up to three guest rooms and up to five guest rooms.

"caravan park" means land on which caravans, other moveable dwellings, tents or camper vehicles are or are to be installed or placed. *This is the existing definition adopted under the LEP.*

"dwelling" means a room or suite 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. *This is the existing definition adopted under the LEP.*

"dwelling-house" means a building or buildings containing one but not more than one dwelling. *This is the existing definition adopted under the LEP.*

"dual occupancy" means a building containing 2 dwellings or the erection of 2 dwelling-houses on an allotment of land. .

"dual purpose dwelling" means a residential dwelling which may be used for permanent or temporary residential accommodation. *This is a new definition. It is proposed to not differentiate between temporary/ and permanent residential uses of dwellings in the 3(a)(Business Zone) and South Beach Road.*

"floodplain management plan" means a plan prepared under the NSW Floodplain Management Manual.

"flood liable land" means land identified by Council as being floodprone for planning purposes and commonly described as the 1 in 100 year flood level. It is more properly described as a percentage ("a 1% Annual Exceedance Probability flood") since there is a one percent chance that a flood of that magnitude may occur in any particular year.

“garden flat” means a dwelling having a gross floor area no greater than 60 square metres, not including any balcony or balconies which may have a maximum combined area of 15 square metres, located on the same allotment of land as an existing dwelling-house. *This is a new definition. It will be subject to development controls which will prohibit subdivision of garden flats and will require car parking, open space etc. to be provided for garden flats.*

"holiday cabin" means a building containing a room or suite of rooms used, or intended to be used, for the provision of holiday accommodation only. *This is the existing definition adopted under the LEP.*

"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. *This is the existing definition adopted under the LEP.*

“Local Agenda 21.” The United Nations charter, and an international outcome of the 1992 Rio Earth Summit, which formally acknowledges the need for the world’s Councils to develop a shire-wide strategic approach to address economic, ecological and social issues to create a pathway to local sustainability.

“multi-dwelling development” means a residential development of 3 or more dwellings. *This definition captures residential flat buildings, villas, townhouses, combinations of attached dual occupancy buildings and the like.*

“mixed development” means development which is comprised of residential and commercial development on the same allotment, regardless of the purpose of such residential development. *This is a new definition. It will be subject to development controls which combine the requirements of commercial development and residential development.*

"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. *This is the existing definition adopted under the LEP.*

“Newcastle Declaration.” A follow-up from the Earth Summit held in Rio de Janeiro, Brazil in 1992 and an outcome of the Pathways to Sustainability Conference held in June of 1997 in the city of Newcastle. This declaration called upon all local governments in the world “To embrace the goal of global sustainability by implementing Local Agenda 21 action plans by the Year 2000 which fulfil the goals of Agenda 21 and the ‘Habitat Agenda’.”

"primitive camping ground" means land authorised to be used as a primitive camping ground by a licence issued under clause 101 of the Caravan and Movable Dwellings Ordinance. *This is the existing definition adopted under the LEP.*

"residential flat building" means a building which contains 3 or more dwellings. *This is the existing definition adopted under the LEP. Refer also to “multi-dwelling development.”*

"rural tourist facility" means an establishment providing for low-scale holiday accommodation, or used for recreational 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. *This is the existing definition adopted under the LEP.*

"significant vegetation" means vegetation identified under Byron Council Shire-wide Flora and Fauna Study 1999 as having

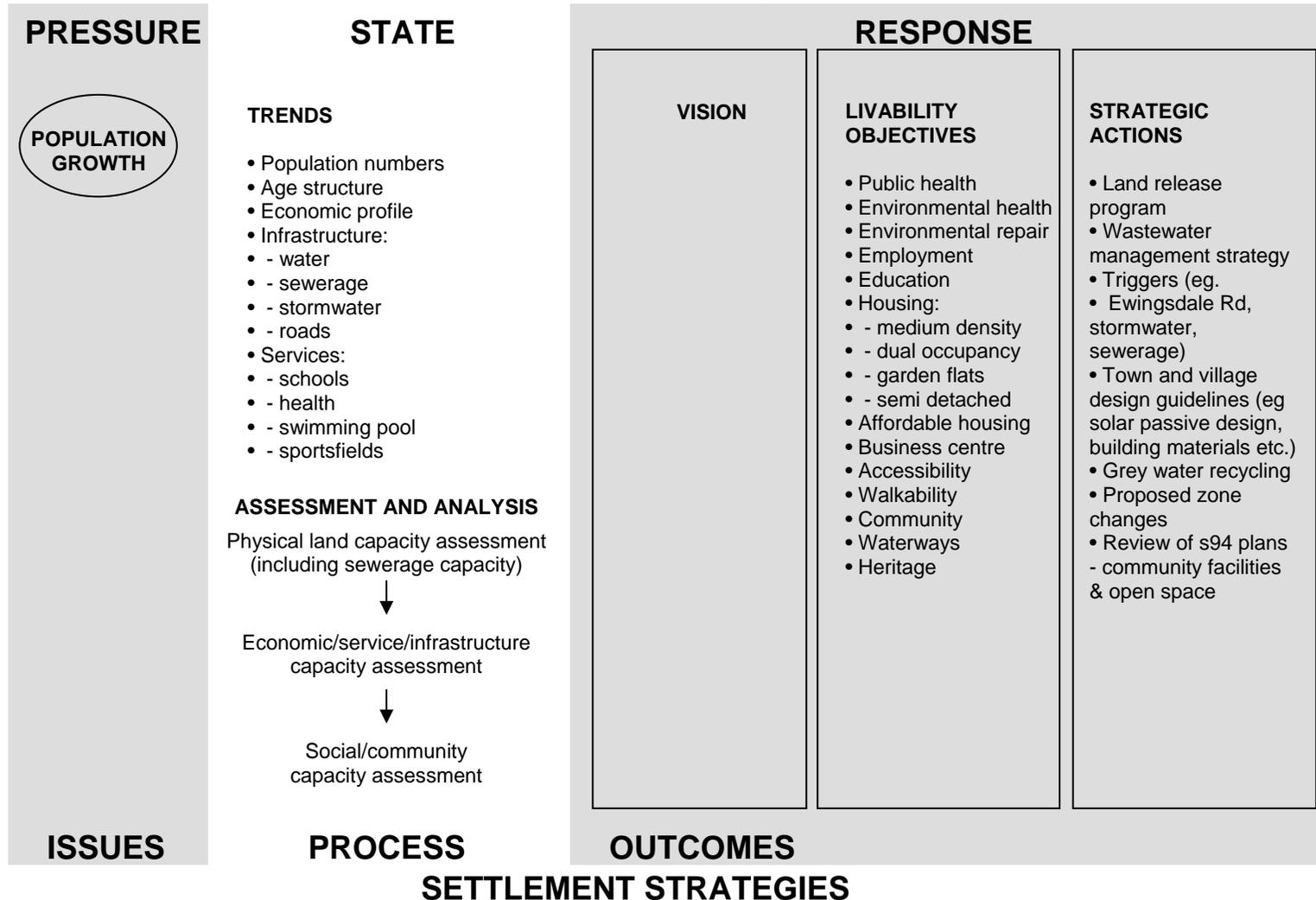
"tourist facilities" means an establishment providing holiday accommodation or recreation and may include a boat shed, boat landing facility, holiday cabin, hotel, house-boat, marina, motel, playground, primitive camping ground, refreshment room, water sport facility or a club used in conjunction with any such facility. *This is the existing definition adopted under the LEP.*

"units for aged persons" means a residential flat building used to house aged persons as defined in the Aged or Disabled Persons Homes Act 1954, as amended, of the Parliament of the Commonwealth, erected or to be erected by an eligible organisation as defined in that Act, the Housing Commission of New South Wales or any other Department or instrumentality of the Crown. *This is the existing definition adopted under the LEP.*

"vision statement" is a statement of the desired end outcomes – the 'big picture'.

APPENDIX 2

STATE OF THE ENVIRONMENT





LEGEND
 □ Property Boundaries



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 all information prior to using it.
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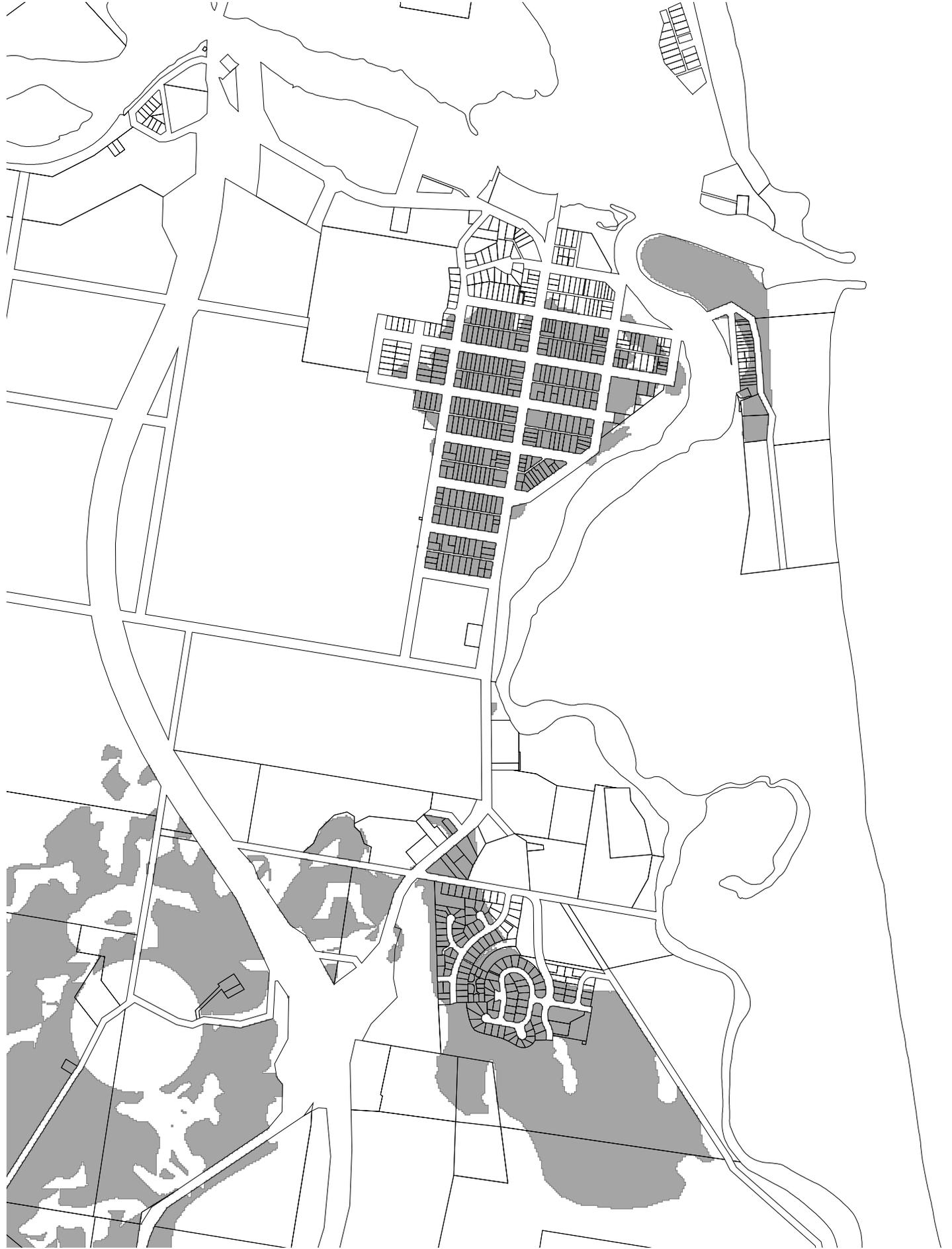
BRUNSWICK HEADS SETTLEMENT STRATEGY **Map 1**

Study Area




1:15000

February 2002



LEGEND

-  Property Boundaries
-  Physically unconstrained land

BRUNSWICK HEADS SETTLEMENT STRATEGY

Map 2

Physically unconstrained land



1:15000

February 2002



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LEGEND

-  Property Boundaries
-  3(a) Business Zone
-  Tweed Street central section
-  Pandanus Court
-  South Beach Road



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BRUNSWICK HEADS SETTLEMENT STRATEGY

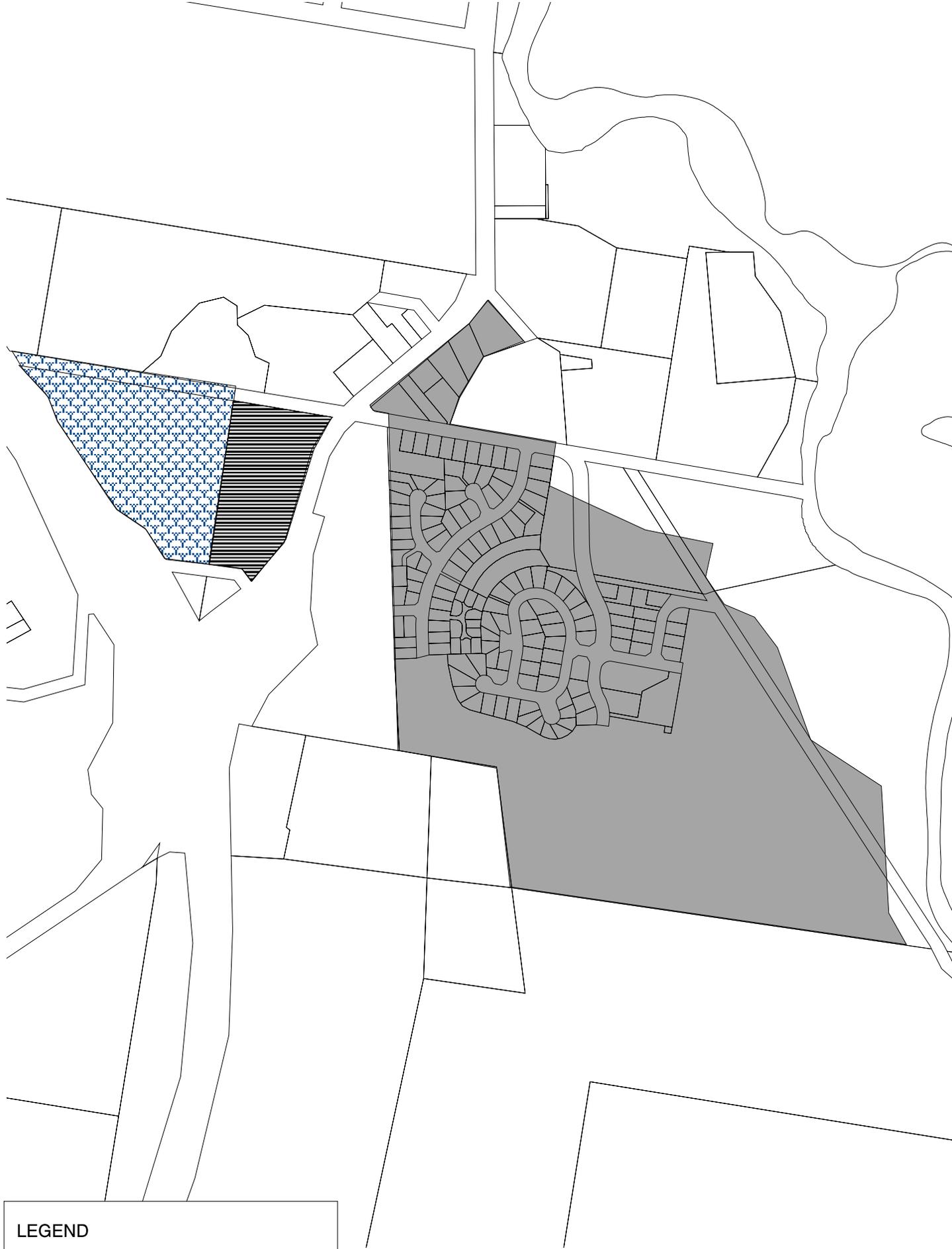
Map 3

Residential precincts - village



1:7500

February 2002

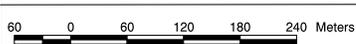


LEGEND

-  Property Boundaries
-  9(a) zone
-  1(d) Investigation zone
-  Bayside Brunswick

BRUNSWICK HEADS SETTLEMENT STRATEGY	Map 4
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Residential precincts- Bayside Brunswick and other lands



1:8000

February 2002

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