

# BYRON BAY and SUFFOLK PARK

## SETTLEMENT STRATEGY

### 2002



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Disclaimer: This Strategy and its outcomes for town and 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.

## BYRON BAY and SUFFOLK PARK VISION STATEMENT

- A sustainable natural environment with extensive environmental repair;
- A sustainable built environment based on a small low density community;
- A socially resilient community with a variety of employment based on locally owned and operated small businesses;
- An economically viable community based on ESD guidelines which diversifies beyond tourism; and
- The sustainable management of infrastructure providing a balance between environment, tourism and employment.

## EXECUTIVE SUMMARY

The key aim of the Byron Bay and Suffolk Park Settlement Strategy is to pave the way for the better planning, management and community ownership of the character, design, density and strategic directions of these settlements.

Several guiding principles are considered essential to planning and management if the aims of this Strategy are to be achieved. These are:

1. The community vision;
2. Acknowledgment that land is a finite resource;
3. Development decisions must consider potential and cumulative impacts and be based on the precautionary principle;
4. Decision making must ensure community consultation and participation; and
5. Use of the environment must be based on Ecologically Sustainable Development.

The Strategy recognises a need to review the existing 2(a)(Residential Zone), to redefine residential uses and densities in different localities, and to better reflect the evolution in community values and infrastructure provision, especially since the inception of the zoning system in 1988.

The Strategy assesses the physical and social infrastructure capability of existing 1(d)(Investigation Zone) lands. These lands are to be rezoned to reflect their environmental values and to provide better public and landowner confidence as to what land uses are likely to occur in these areas.

The major issues and constraints facing Byron Bay and Suffolk Park are:

- severance of the town of Byron Bay by the North Coast railway line, and the lack of crossings of this line;
- inadequate capacity to cater for through traffic (bypass of Byron Bay town centre is required);
- sewage treatment plants at capacity;
- limited capacity of Byron Bay High School;
- stormwater drainage limitations;
- traffic and parking congestion in town centres;
- flora and fauna impacts;
- acid sulfate soils and peat;
- limited availability of job opportunities, the cost and availability of serviced residential land;
- physical/ecological constraints to expansion;
- extent of comparable investment and job opportunities in other nearby centres;
- flooding/floodplain management; and
- tourism impacts.

The following sections summarise the development potential of localities within Byron Bay and Suffolk Park.

## **Byron Bay**

The future development of Byron Bay is limited to the existing 2(a)(Residential Zone), the 3(a)(Business Zone) and the 7(f2)(Urban Coastal Lands Zone), and redevelopments within the existing town area.

Urban consolidation, through redevelopment and increased residential density, will occur in the 3(a)(Business Zone) in the town centre.

Design guidelines should be developed to retain the character of older parts of the town, including the streetscapes, building styles and relatively homogenous development patterns.

## **Belongil Spit**

The future development of Belongil Spit is being determined through the Coastline Management Plan process and is likely to be fairly limited. Currently, Byron Local Environmental Plan 1988 prohibits dual occupancy, residential flat buildings and a range of other developments in urban coastal areas including Belongil.

## **Suffolk Park**

East of Broken Head Road, expansion of Suffolk Park is restricted by the Broken Head Nature Reserve and Taylors Lake to the south, and by lands zoned Environmental Protection to the north, south and west. The lack of a second vehicle entrance is also a constraint. Development potential is limited to land zoned 2(a)(Residential Zone) at the north west of Armstrong Street.

West of Broken Head Road there is some potential to extend to the south and west along the foothills of the escarpment, but this expansion is limited by potential conflict with Batson's quarry and the visual backdrop of the escarpment. Northward expansion is constrained by the Byron Bay Golf Course, and the need to maintain the limited physical separation between Suffolk Park and Byron Bay.

Suffolk Park is to remain a detached housing area, with no increases in density such as through dual occupancy or medium density development.

## **Skidders Shoot**

The future development of Skidders Shoot has already been determined through Council's Rural Settlement Strategy. The area is constrained by the susceptibility of Skinner's Shoot Road to flooding over large sections which would be prohibitively expensive to upgrade. This area has no future potential for residential development.

## **Areas 1, 2, 3 and 4**

The investigation status of these Areas originates in the 1993 Residential Strategy. The following studies have been completed for Areas 1, 2 and 3:

- Land capability assessments;
- Draft Local Environmental Studies; and
- Supplementary studies focussing on wastewater disposal, traffic, flora and fauna and flooding.

### Area 1:

Area 1 is a single land parcel bounded by Ewingsdale Road, the railway line, Belongil Creek and Kendall Street (the only access road to the Belongil Spit area). Potential for urban development is constrained by flooding, with almost 100% of the site being floodprone. There may be limited potential for transport-oriented development such as a bus terminal or car parking, subject to further assessment of the flooding issue. There may also be potential for public purposes such as sporting fields or open space.

Area 1 is ideally located to provide an alternative public road access to the Belongil Spit area. Provision of a second access road would be prudent as the existing road access (Border Street) is quite close to the coastal erosion escarpment and may eventually be threatened by erosion.

Further negotiation with the landowner is required to resolve these issues.

### Area 2:

Area 2 is on both sides of Ewingsdale Road, generally surrounding and including the “Belongil Fields” camping ground and conference centre.

North of Ewingsdale Road, ecological attributes and small unconstrained land areas indicate that the land is unsuitable for residential subdivision. The caravan park has some potential for expansion under a long-standing approval. .

South of Ewingsdale Road there is in excess of 40 hectares of land which is environmentally unconstrained and physically capable of residential development. It has direct frontage to a main road (Ewingsdale Road) and is easily serviced for water, sewer and electricity. Despite its physical attributes, residential development of Area 2 is not supported at this point in time.

- Additional population would increase pressure on the already overloaded traffic and parking infrastructure and increase demands for traffic improvements, a solution to which has not yet been identified by Council. It cannot be assumed that Council and the Roads and Traffic Authority will simply fund and construct infrastructure in response to demand.
- It is not compatible with the community’s vision for a “small low density community” and is not supported in public feedback.
- If developed at a low density, residential development of Area 2 would be unlikely to yield a population sufficient to sustain commercial support services or employment. It would most probably become a dormitory commuter suburb with high car reliance and limited social and commercial infrastructure.
- Despite likely low development costs, the price of new lots would probably be driven upwards by demand. Low density development would probably not yield affordable housing.
- Ewingsdale Road would form an effective barrier to the existing Sunrise Beach residential area to the north. The two areas are unlikely to assimilate as one neighbourhood.

These points oppose low density residential development. In this context Byron Bay, Suffolk Park and Sunrise Beach are low density areas, characterised by detached

housing at a density of about 10 dwellings per hectare. Low residential densities in Area 2 are unlikely to yield desirable social or economic outcomes.

Area 2 is uniquely placed to sustain an integrated community, containing its own commercial support and employment generating activities. This is however a long term option which may or may not be considered appropriate by the community and Council of the future.

#### Area 3:

Area 3 is in the McGettigans Lane area at Ewingsdale. Part of Area 3 has already been subdivided as a rural residential area.

The Local Environmental Study indicates that a range of residential densities are possible in Area 3. However the traffic study shows that higher density options are not appropriate in the short to medium term given the current traffic problems along Ewingsdale Road and in entering Byron Bay. Public opinion, expressed through the Consultative Committee and in submissions to the drafts of this Settlement Strategy, is strongly resistant to urban densities at Ewingsdale.

The remainder of Area 3 has some potential for rural residential development, but this needs to be verified through a review of the Byron Rural Settlement Strategy. In the interim these lands should be rezoned to reflect their agricultural attributes.

#### Area 4:

Area 4 is located southwest of the existing rural residential area in the southern part of McGettigans Lane. As with Area 3, this Strategy recommends a rural zoning until such time as the land is required for rural residential settlement.

### **Ewingsdale**

This Settlement Strategy began life as the Byron Bay, Suffolk Park and Ewingsdale Settlement Strategy. Assessment of Areas 3 and 4, and the community consultation process integral to this Strategy, has led to the conclusion that Ewingsdale is not suited to urban densities. Therefore, this Settlement Strategy does not apply to Ewingsdale other than to recommend that it be reconsidered in a future review of the Byron Rural Settlement Strategy.

### **Growth Rates and Population**

Based on the 1996 census and subsequent building approvals, the current population of Byron Bay and Suffolk Park is estimated to be 9,800.

The annual average population growth rate over the ten years to 1997 was 6.2% for Byron Bay and 12.2% for Suffolk Park. These relatively high rates have led to some resistance in the community to growth. Growth rates have declined since 1997 due to restrictions on development imposed by limited sewerage treatment capacity.

Apart from infill subdivision and the completion of subdivision areas at Suffolk Park, population growth will be concentrated in the Byron Bay town centre.

Recent restrictions on development suggest there is likely to be a "pent up" demand for residential development and strong speculative investment. This is likely to manifest in a rapid surge of development as soon as additional sewerage treatment

capacity is provided. The majority of development opportunities may be realised within 5 years.

## **Conclusion**

Residential development in Byron Bay and Suffolk Park is constrained by environmental features and limited infrastructure capacities.

There is strong demand for residential property but, even if the infrastructure constraints were addressed, it is evident that the community does not support a demand-driven growth scenario at this point in time.

This Strategy does not identify additional land for new residential subdivisions.

Urban consolidation is facilitated in the town centre and in dual occupancy and medium density precincts.

Theoretically, the residential population of Byron Bay and Suffolk Park has the potential to increase by about 30% to 13,000. However it is unlikely that all development opportunities will be acted on – some landowners are simply not interested in residential development (particularly in commercial areas) or don't have the resources to develop their land.

Tourist facilities will be contained in key areas, limiting the potential for adverse impact on the amenity of residents.

This Strategy satisfies Council's obligation, under the North Coast Regional Environmental Plan, to adopt an urban land release program prior to permitting significant urban growth.

Once Council has adopted the Strategy it should then proceed to implement it through its planning and development control instruments.

## ACKNOWLEDGEMENTS

The preparation of the Byron Bay and Suffolk Park Settlement Strategy was a collaborative effort between the community and Byron Shire Council. The community was represented by delegates from the following peak sector, interest groups or locality organisations in each respective Council term:

### Council of 1995 – 1999:

Councillor Richard Staples (Chairperson), Cr Lisa Christoffersen, Cr Jenny Coman.

<b>Organisation</b>	<b>Delegate</b>	<b>Alternate Delegate</b>
Ewingsdale Progress Association	Lesley Patterson	Jim Stephens
Byron Bay Progress Association	Tom Wilson	-
Byron Bay Town Centre Committee	Tim Tetley	Maxine McTavish
Byron Bay Chamber of Commerce	Jeff Heers	Barry Wallace
Wategos Beach Progress Association	Louis Davis	Ron Hepburn
Byron Bay South Precinct	Frank Stewart	David Temple
Byron Bay East Precinct	Phillip Booth	John Nagle
Suffolk Park Progress Association	Peter Pyle and Terry Digwood	Glen Hannan Penny Watson
NEXUS	Gary McDonald	David Messiter
BEACON	Mark McDermid	Judy Conlan
Byron Ratepayers Association	Jerry Bennette	Don Greene
Byron Environment Centre	Jo Peoples	Sharon Curry
Aboriginal Consultative Committee	Yvonne Stewart	-
Sunrise Residents Association	Peter Dupen	-

### Council of 1999 – 2003:

Mayor Tom Wilson (chairperson), Cr Richard Staples, Cr Jan Barham, Cr Jenny Coman.

<b>Organisation</b>	<b>Delegate</b>	<b>Alternate Delegate</b>
Ewingsdale Progress Association	Lesley Patterson	Jim Stephens
Byron Bay Town Centre Committee	Tim Tetley	Barry Wallace
Byron Bay Chamber of Commerce	Jeff Heers	Barry Wallace
Byron Bay South Precinct	Frank Stewart	n/a
Byron Bay East Precinct	Phillip Booth	Peter Hamilton
Suffolk Park Progress Association	Peter Wegner	n/a
NEXUS	Gary McDonald	n/a
BEACON	Mark McDermid	Judy Conlan

Shirley Street Residents Association	Ian Ritchie	n/a
	Ken Farrell	n/a
Kingsley Street character area	Adrienne Hayles	Patrick Knight
Byron Bay Progress Association	Veda Turner	Jan Oliver

The Arakwal Corporation was consulted through Byron Shire Council's Aboriginal Consultative Committee.

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# 1 PATHWAY TO A SUSTAINABLE FUTURE

## *Steps along the way*

The past decade has seen an elevation in the political status of the environment, both globally and locally, as communities everywhere become aware that their growth and prosperity are dependent on the maintenance of the elements on which all life depends. There is an increasing understanding of the place of humans in nature and the need to work with nature.

In the context of environmental planning, this increasing awareness 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. This acknowledges the need for action at the grassroots government level to address economic, ecological and social issues, to create a pathway to local sustainability.

In 1993, the New South Wales Local Government Act was amended to include objectives relating to environmental sustainability. Various other legislation has also been 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 to incorporate principles and objectives with a view to guiding development down the path of environmental sustainability. The Threatened Species Conservation Act was introduced in 1995, and the Northern Rivers Regional Strategy was also commenced in 1995.

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 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.

Byron Council has maintained its commitment to environmental sustainability by developing first a Rural Settlement Strategy in 1998, followed by the Shire-wide Flora and Fauna Study of 1999. Council has also commenced a Biodiversity Conservation Strategy.

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

Environmental sustainability has been incorporated into Council's works program, particularly the sewerage treatment plant upgrading. Council's annual report on the State of the Environment reviews the actions and processes of the various Strategies.

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” community demands and local politics which 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 the Strategy – an analysis of past policy**

The need for this Settlement Strategy arises from the following issues:

### **1.1.1 Statutory requirements**

The North Coast Regional Environmental Plan (“the REP”) requires Council to adopt an urban land release program prior to permitting significant urban growth. Council has not rezoned any significant areas of land to a residential zoning since the adoption of the current Local Environmental Plan in 1988.

### **1.1.2 Review of local policy and practice**

The current planning system for Byron Shire has been in operation for about thirteen years. It is made up of the Byron Local Environmental Plan 1988 (“the LEP”), Development Control Plans (“DCPs”) and the 1993 Residential Development Strategy. It is time to review the local planning framework to address community expectations and current issues.

### **Byron Residential Development Strategy 1993**

The 1993 Strategy applies to the whole of Byron Shire. It identifies a number of potential urban growth areas including Areas 1, 2, 3 and 4. The development potential of these areas is reviewed in this Strategy.

Other potential growth areas identified in the 1993 Strategy were:

*Skidders Shoot* – this area was investigated under the Byron Rural Residential Strategy 1998 and was ruled out of contention due to constraints such as the susceptibility of Skidders Shoot Road to flooding. Skidders Shoot is not considered suitable for urban development for the same reasons.

*Broken Head* – Council has rezoned the majority of the 1(d)(Investigation Zone) land to Environmental Protection zones. The remaining area was identified as having potential in the Byron Rural Settlement Strategy 1998, and it is being further considered in that context. Broken Head is not considered further in this Strategy.

The following points can be made about the 1993 Strategy:

- It estimated that there was about 90 hectares identified for urban residential development:
  - 69.4ha at Suffolk Park – most has been developed to the extent of environmental constraints and 2(a) Residential Zoning. The developed areas are now commonly known as Byron Hills and Baywood Chase.
  - 17.5ha at Sunrise Beach – most has been developed to the extent of environmental constraints and 2(a) Residential Zoning.
  - 4.1ha at Cemetery Road - most has been developed to the extent of environmental constraints and 2(a) Residential Zoning. The developed area is commonly known as the Lilli Pilli Drive area.

- It has not come to fruition in Byron Bay. Areas 1, 2, 3 and 4 have not been developed for a number of reasons.
- 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. At a subdivision density of 10 lots per hectare, this yields 15 dwellings per hectare as recommended in current planning guidelines.
- It focused on physical capability and environmental constraints. It did not focus on 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 social, ecological, political and geopolitical issues and advances in planning practice and guidelines such as:
  - The North Coast Urban Planning Strategy 1995
  - Council's vision in its 1998/1999 - 2000/2001 Management Plan;
  - Council's aim, objectives and guidelines in the Greenprint for a Sustainable Future LEP;
  - The objectives of the NSW Local Government Act 1993;
  - The challenges and objectives of UN Charter: *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*.

The conclusion is that there is a need to replace the 1993 Byron Residential Strategy with a more contemporary document.

### **Byron Local Environmental Plan 1988**

#### *The zoning system:*

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

This broad-based permissibility system has given rise to inappropriately located development and land use conflict issues. Residential flat buildings are scattered through areas of predominantly single dwelling-houses, with poor integration into the streetscape. Higher density development has not been located within proximity to services such as shops and open space.

With many forms of development being technically permissible throughout the 2(a)(Residential Zone), a heavy reliance has been placed on merit based (case by case) assessment. This has resulted in the refusal of some development applications and a subsequent appeal to the Land and Environment Court. This has

no doubt contributed to Council's legal costs, and has probably generated or contributed to tension and disputes between Council, applicants and objectors to development.

Since the LEP was adopted in 1988 new issues have arisen, such as increasing urban complexity, the influence of tourism and the increasing demands of a more articulate, sophisticated and often affluent population. Incompatible land uses and social tension will become more common unless the LEP is reviewed to better reflect community values and to achieve the community vision.

*Commercial development in residential areas:*

Certain kinds of shops are permitted in the 2(a)(Residential Zone):

- 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 ensure it reflects current requirements and types of use. Technically the LEP does not prevent development of a single shopping complex containing all of these types of shops, but this is unlikely to have been the intent.

*Investigation areas:*

The LEP in 1998 zoned a number of land parcels 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. Eleven such sites are addressed in this Strategy.

*Nexus between the planning controls and infrastructure:*

The relationship between planning and the provision of infrastructure has in recent years focussed on Clause 45 of the Byron Local Environmental Plan 1988, which states (in part):

“The Council shall not consent to the carrying out of development on any land to which this plan applies unless it is satisfied that prior adequate arrangements have been made for the provision of sewerage, drainage and water services to the land.”

In this context Council has not been satisfied since August 1997 that adequate arrangements can be made for the provision of sewerage services as the sewerage treatment plants are overloaded. Improvement and upgrading of the treatment plants are programmed for 2003.

*Implications of amended zoning:*

This Strategy recommends changes to the current LEP zoning system. Those changes will prohibit certain uses in delineated areas, although examples of prohibited development may already exist. Existing use rights will be maintained under the Environmental Planning and Assessment Act, 1979.

**Development Control Plans**

There is no specific DCP for Byron Bay or Ewingsdale. There is a specific DCP for Suffolk Park. The following Development Control Plans apply to residential development:

*Byron Development Control Plan No. 1*

DCP No. 1 applies to the whole Shire. The relevant controls under Byron DCP No. 1, for strategic purposes, are:

- Subdivision minimum lot size:
  - 600 m<sup>2</sup> for a general lot (note: this precludes subdivision of the ¼ acre (1012 m<sup>2</sup>) lots common in the older parts of Byron Bay);
  - 650 m<sup>2</sup> for corner lots;
  - 800 m<sup>2</sup> for hatchet-shaped (“battleaxe”) lots.
- Minimum lot size for dual occupancy (“duplex”) whether physically attached or detached is 800 m<sup>2</sup>.
- Minimum lot size for medium density (3 or more units) is 1200 m<sup>2</sup> and 250 m<sup>2</sup> of site area per dwelling.

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

DCP No. 1 has been amended several times since its initial adoption in 1988. Development controls applying to dual occupancy and medium density residential development were amended in 1997. These forms of development have not been permissible due to the sewerage moratorium, so the amended development controls have not taken effect in any meaningful way.

*Development Control Plan No. 9 (Suffolk Park)*

The DCP for Suffolk Park was adopted in 1989. It provides development guidelines for the subdivision of land west of Broken Head Road, now known as Baywood Chase and Byron Hills. Those subdivisions are now complete and those parts of the DCP are redundant.

DCP No. 9 also applies to development in Suffolk Park east of Broken Head Road.

Due to various amendments to planning controls over the years this DCP is now inconsistent with the LEP and DCP No. 1.

*Development Control Plan No. 16 (Exempt and Complying Development):*

This DCP provides criteria for certification of Complying Development, either by Council or accredited ('private') certifiers. At present Complying Development includes the following types of development, each of which is subject to prescribed criteria:

- Alterations and additions to buildings or works (structural or load bearing)
- Bed and breakfast establishment
- Dwelling-house
- Fence (masonry)
- Shed (including garage)
- Signs involving structural works
- Swimming pool
- Water tank

*Outcome 1: Site-specific Development Control Plans are required for Byron Bay and Suffolk Park, incorporating the relevant provisions of DCP No. 1 and DCP No. 9 (Suffolk Park) as well as new provisions to facilitate the outcomes of the Settlement Strategy. Investigate mechanisms for minimising adverse impacts from existing use rights.*

## **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 settlement strategies in this region:

- North Coast Urban Planning Strategy
- North Coast Regional Environmental Plan
- Northern Rivers Regional Strategy
- DUAP Settlement Strategies - Guidelines for the North Coast

The North Coast Urban Planning Strategy proposes residential densities in the order of 15 dwellings per hectare in new release areas. This Strategy does not envision that outcome.

This Strategy does not envision Byron Bay being elevated in the urban hierarchy of the North Coast region. Byron Bay will not become a sub-regional population centre, as planned in the North Coast Urban Planning Strategy.

Issues of regional interest are:

*Tourism:*

An Economic Impact Assessment by the Roads and Traffic Authority 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 Byron Shire and may encourage people to commute from a 'dormitory' area in the Brunswick Heads and Ocean Shores area, both earning and spending their income outside the region.

Byron Shire is connected to southeast 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

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 Byron Bay and Suffolk Park.

*Affordable housing:*

Real estate prices and rents are comparatively greater than many other shires in the region, and continue to increase. Affordable housing providers such as the Department of Housing are unlikely to significantly increase their stocks.

Affordable housing is, and will continue to be, sought in other towns, outside the Shire and even outside the region. In the long term this may have major implications for the demographic and social mix that this region, and this Shire in particular, has come to value.

The Environmental Planning and Assessment Act was amended in early 2000 to allow Councils to make provisions for affordable housing in planning instruments. Byron Council is currently developing an Affordable Housing Strategy.

In the context of supply and demand economics, Council must accept some responsibility for the consequences of restricting housing supply through its land release programs or development controls.

*Tertiary education opportunities:*

Byron Shire does not contain higher education institutions. It is appropriate that population centres should be located closer to the sub-regional centres such as the Gold Coast, Lismore and Tweed Heads which have, or are in close proximity to, those regional-level services.

*Water supply:*

Recent changes to legislation (Water Management Act, 2000) require stream-based water supplies to maintain environmental flows. The impact of this legislation is not yet clear, but it could result in additional costs being passed on to consumers to pay for capital improvements if they are required.

*Pacific Highway upgrading:*

The Roads and Traffic Authority plans to upgrade the highway to four lanes through most of the Shire. In the last few years the following works have been completed or commenced:

- Bangalow bypass (four lanes) (complete);
- four lane upgrade between Ewingsdale and Tyagarah (complete);
- Ewingsdale intersection (complete);
- four lane realignment between Tyagarah and Brunswick Heads (under construction);
- duplication of Brunswick Heads bypass to four lanes (recently commenced);
- express motorway between Yelgun and Chinderah (under construction).

On the last point, the motorway will reduce travel times to southeast Queensland (SEQ) considerably, as well as improving road safety. It will expose the Shire to additional tourist traffic, especially day trippers, and perhaps commuter traffic as people choose to live in the Shire and commute to work in Tweed Shire and SEQ. It will also improve access for Shire residents to recreational and economic opportunities in SEQ.

*Regional environmental issues:*

The Byron Shire-wide Flora and Fauna Study 1999 identifies rare and threatened species which are significant on a local, regional and national basis. It has been used as the basis for identifying significant vegetation in the study area.

This Strategy will protect rare or significant vegetation and threatened or 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).

This Strategy identifies opportunities to maintain, re-establish or enhance wildlife corridors, buffers and links between environmentally significant areas. It advocates environmental repair to improve fauna habitat values, sometimes as a trade-off mechanism for development rights.

The NPWS identified and mapped draft regional wildlife corridors for Byron, Lismore, Ballina, Casino, Richmond River and Kyogle local government areas to improve vegetation management and planning at a regional scale. The regional corridor in the vicinity of Byron Bay township extends from the west of Suffolk Park and Byron Bay, south of Area 2, then northwards to the Tyagarah Nature Reserve.

*NSW Government Coastal Policy:*

This Strategy acknowledges limits to population growth in Byron Bay and Suffolk Park. This limit may result in overflow demand on other coastal Shires and towns, where the Coastal Policy will influence the release of new land.

### **1.3 Strategic links**

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

*Belongil Estuary Study and Management Plan:*

The Belongil Estuary Study and Management Plan (2001) (BESMP) states that “*the Belongil Estuary is impacted by poor quality stormwater originating from urban and rural precincts, by acid runoff from rural areas during adverse seasonal conditions, potential point sources of pollution and potential impacts that relate to residential development within the catchment.*”

The upgraded West Byron sewerage treatment plant (STP) will dispose of large volumes of highly treated wastewater into the Belongil Creek catchment. The capacity of the STP upgrade, including the environmental capacity of receiving waters and the evapotranspiration vegetation, will be designed to accommodate the population envisaged by this Strategy. The BESMP supports the goal of maximum sustainable re-use of effluent and a rehabilitation program utilising treated wastewater from the West Byron STP.

The BESMP identifies several other actions or issues relevant to this Settlement Strategy, such as:

- riparian zones and buffers to the Belongil Estuary;
- management of Potential and Actual Acid Sulfate Soils;
- the need for habitat connectivity between vegetated areas in the catchment;
- stormwater quality controls for gross pollutants and nutrients, especially due to existing pollutant and acid sulfate levels in the Belongil Creek catchment. Low lying land (generally floodprone and with a higher acid sulfate risk) has potential for providing stormwater quality treatment ponds.

*Wastewater Management Strategy:*

Council’s Wastewater Management Strategy commits Council to upgrading or replacing its sewerage treatment plants to “sensitive water” standards.

The sewerage treatment plant servicing South Byron and Suffolk Park is to be closed and its load transferred to an upgraded west Byron plant. 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 Byron Bay and Suffolk Park and will be factored into proposed sewerage treatment system upgrades.

*Other Small Towns and Villages Settlement Strategies:*

The relationship of Byron Bay and Suffolk Park with other towns and villages is influenced by the cost of land. Some of the growth experienced by other towns and

villages such as Bangalow and Mullumbimby is due to their relatively cheaper land purchase cost.

The demand for housing in Byron Bay initially flowed to Suffolk Park. It will now flow on to other centres.

*Byron Rural Settlement Strategy 1998:*

The Byron Rural Settlement Strategy 1998 deferred some land at Ewingsdale from consideration for rural residential development, pending assessment of urban potential in the Small Towns and Villages Settlement Strategies. That assessment has been completed, with the conclusion that the deferred land is not suitable for urban densities. The deferred lands will therefore revert to the Rural Settlement Strategy, although inclusion is not automatic. The demand for more rural residential land will be reviewed in a few years time.

*Coastline Management Plan:*

Coastal erosion is a serious hazard to existing development in parts of Byron Bay and Suffolk Park, particularly at Belongil. There are several stages to the development of the Coastline Management Plan:

- a) A Coastal Hazards Definition Study has been completed. It predicts the likely encroachment of coastal erosion over the next one hundred years.
- b) A Coastal Values Study has been completed. It identifies the values and uses of the community for coastal lands, including land in private ownership and Crown land reserves.
- c) A Coastline Management Study is the next stage. Council has engaged consultancy WBM Oceanics to explore the various options available for managing coastal hazards. The Coastal Hazards Definition Study and Coastal Values Study will inform those options.
- d) The Coastline Management Plan. This plan will describe how the coastline is to be managed, in the context of the coastal hazards, values and management options previously identified. The Coastline Management Plan will impact on land use in areas subject to coastal erosion hazard. The recommendations of the Coastline Management Plan will flow on to amendments to the Local Environmental Plan.

*State of the Environment Report:*

The SoE Report links Council's strategic processes and actions in a consolidated report. The link between the Settlement Strategy and the State of the Environment Report is shown in Appendix 3.

## **1.4 Aims**

The aims of the Byron Bay and Suffolk Park 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; and

- provision of the long term, sustainable development of Byron Bay and Suffolk Park ; and
- 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; and
- satisfaction of the Council's obligations under the North Coast Regional Environmental Plan, 1988 for a Residential Development Strategy; and
- an agreed framework between the State government, Council and the local community for the orderly and timely rezoning of land for residential and other urban purposes and for the provision of services and infrastructure.

## **1.5 Objectives**

The objectives of the Byron Bay, Suffolk Park and Ewingsdale Settlement 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.
- to respect aboriginal/indigenous heritage issues.

The development of this Strategy has resulted in some refinement of these objectives to embrace the objectives of State of the Environment reporting, which are expressed in terms of social, economic and ecological objectives.

## **1.6 Guiding principles**

The Aims and Objectives will be achieved through the implementation of the guiding principles for a sustainable future as contained in clause 2 (3) of the Byron Local Environmental Plan 1988:

In addition to the guiding principles of the LEP, the Settlement Strategy Consultative Committee identified the following guiding principles for future development:

1. The community vision;
2. Land is a finite resource;
3. Development decisions must consider potential and cumulative impacts and be based on the precautionary principle;
4. Decision making must ensure community consultation and participation; and

5. Use of the environment must be based on Ecologically Sustainable Development.

## **1.7 Strategy time-frame**

The timeframe of residential strategies should look to the long term, such as ten to twenty years. This timeframe ties in with the lifespan of infrastructure currently being considered for the West Byron sewerage treatment plant upgrade, although it is likely that the projected population capacity will be reached within as little as five years after implementation.

The outcomes of this Strategy require implementation through Council's development control documents or through public works programs. Some outcomes require immediate attention, some are short term, others require medium to long term actions.

## **2 EXISTING CONDITIONS AND FUTURE TRENDS**

### **2.1 Demographics**

All of the towns and villages of the Shire are interconnected because of their different uses and functions and the need to share services and facilities. Collectively the population of the Shire can support a wide range of services and facilities but none of the towns or villages are individually large enough to do so independently. While the 1996 census put the population of the Shire at 26,620, records from the medical providers in the Shire suggest that the true population of the Shire is much higher.

Prior to 1970 the Shire had experienced a trend towards a decline in population in the rural areas and a relative increase in the urban areas. This has changed in the last 20 years as rural population has grown and stabilised. Such growth can be attributed to a growing interest in rural lifestyles rather than to an upturn in traditional economies. After 1971 the population showed a positive and permanent increase after several decades of fluctuation.

The last two census periods indicated the following growth rates for the Shire:

- 1986 to 1991: additional population 4,570 – a growth rate of 4.61%
- 1991 to 1996: additional population 3,991 - a growth rate of 3.30%

Shire-wide building approvals since 1996 indicate an additional population of approximately 3,500, bringing the total to just over 30,000. The 2001 census will data provide more accurate figures. These figures indicate a growth rate of approximately 2.5% per year, indicating a slow down in growth which can largely be attributed to the impact of sewerage restrictions in the majority of the towns and villages in the Shire.

## **Byron Bay and Ewingsdale**

According to the 1996 census the population of Byron Bay census area, which includes Ewingsdale, was 6,130. The number of visitors totalled 1,169 including 448 overseas visitors. More than one in four people in Byron Bay on census night were visitors (26.4%). It should be noted the census was conducted during the off peak tourist season.

Byron Bay had a lower proportion of over 60's compared to other towns in the Shire

The percentage of one parent families in Byron was 29% and the percentage of lone person households was 28%.

Over half the dwellings in Byron Bay are separate houses and about 18% of the dwellings are units or flats. The number of people residing in caravan parks was 6.4% of the population in 1996. Total rental housing accounted for 44% of occupancies.

51.8% of the population was in the labour force and 21.4% were unemployed.

About 15% of people walked or bicycled to work and approximately 16% of households had no motor vehicle.

## **Suffolk Park**

The population of Suffolk Park in 1996 was 2527 people which is similar to the population of Mullumbimby.

Children aged 0 to 4 made up 23% of the population. The number of lone person households in Suffolk Park is 27%. One parent households in Suffolk Park are 29% of the total. The majority of dwellings in Suffolk Park are separate houses which make up 68.5% of the total while 8.6% of dwellings are flats or units.

59.4% of people aged over 15 are in the labour force and 19.1% of these are unemployed.

Individual choice by the property owner is often the main factor in the design and size of detached dwelling-houses. However for developments such as dual occupancy and medium density development, development controls need to facilitate diversity in dwelling size.

## **Affordable Housing**

Byron Shire Council is concerned with the issue of housing affordability in the Shire. A draft Affordable Housing Policy was prepared in 1999, and a draft Affordable Housing Strategy was placed on public exhibition in late 2001. The following extracts are from the Draft Affordable Housing Strategy:

*In 1996, 76% of individual Shire residents earned less than \$500 a week, with only 50% of households having combined incomes of more than \$500 a week.*

*Byron Shire's population has high proportions of retirees, un- or underemployed, part-time and casual workers, single parents and single person households.*

*Byron Shire's rapid population growth over the past 15 years has not been matched by equivalent growth in local employment opportunities. A high proportion of local work is part-time, casual and/or seasonal, particularly in the tourism industry, which also competes with local residents for available housing stock. Many of these residents are on short term leases which requires them vacate their house during the Christmas holidays and seek scarce and expensive alternative accommodation.*

*Consequently, the need for more affordable housing in the Shire is both acute and increasing.*

*It is not clear exactly how many households in Byron Shire suffer from "housing stress" [ the National Housing Strategy (1992) defines "housing stress" as households paying more than 30% of household income on housing], although estimates based on statistical and anecdotal data suggest that for both private renters and home purchasers the numbers are significant and could be as high as 80% in some areas.*

*In 1996, Byron Shire had a lower proportion of people purchasing properties (18.9%) than NSW as a whole (23.1%) and a higher proportion of people in rented accommodation (28.4%) compared to 23.1% in NSW overall.*

*Median rentals for Byron Shire are above the State average, partly due to tourism pressure on available housing stocks, although the high proportion of separate houses (75.5%) and lower proportion of flats and medium density dwellings (9.2% compared to 17.2% across NSW) also contribute to higher rental prices.*

*Recent figures show 58.3% of private renters in Byron Shire are paying more than 30% of income in housing costs, whilst 49.7% of purchasers are paying more than 30% of income in housing costs.<sup>1</sup> The Median rental for a separate 3 bedroom house is currently \$193 per week<sup>2</sup>*

*Byron Shire has the highest median weekly rent of any local government on the North Coast and is the only local government authority on the North Coast where the median weekly rent is higher than the median rent for NSW<sup>3</sup>*

*Only 1.2% of Byron Shire housing stock is government rental housing, well below the North Coast (3.7%) and the NSW (5.5%) averages. Public housing in Byron shire has been below the NSW and North Coast average for over two decades. Community housing provides 34 dwellings for people with special needs and emergency accommodation. The Department of Housing is constrained from increasing public housing stocks in the Shire by high property prices. The sewerage moratorium is also a major constraint on development in Byron Bay.*

*Byron Shire is recognised by the Department of Urban Affairs and Planning Office of Community Housing as a high need local government area for additional social housing, ranked at 4<sup>th</sup> of the 37 local government areas in the Northern Region for 1, 2 and 3 bedroom accommodation.*

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<sup>1</sup> Affordable Housing Strategy, 1999, Fact Sheet 2.  
Department of Urban Affairs and Planning.

<sup>2</sup> Rent and Sales Report June 2000, Housing NSW

<sup>3</sup> Social Plan 1999/2000, Byron Shire Council

Byron Bay is rapidly becoming unaffordable to many people, including long term residents. Factors contributing to housing stress are increasing real estate values, low average incomes, and low capital investment by the Department of Housing.

The sewerage moratorium is also contributing to housing stress, by prohibiting subdivision and residential development in excess of 1 dwelling per allotment. The supply of dwellings is restricted, and the Department of Housing is unable to increase its housing stock through medium density developments.

There is anecdotal evidence (accepted and supported by Council's Affordable Housing Strategy Steering Committee) that the relative scarcity of affordable housing has resulted in some out-migration to other villages in the Shire and even to other shires. This trend is likely to have an impact on the socio-economic diversity that has characterised Byron Bay in the past.

Caravan parks (through their respective Management Plans) are significant providers of affordable housing. Manufactured home estates offer the opportunity for freehold purchase.

Incentives and development options are needed to maintain a supply of affordable rental accommodation in view of the demographics of Byron Bay and Suffolk Park , and the Shire generally.

The eventual outcomes of the Affordable Housing Strategy will need to be reconciled with the outcomes of this Settlement Strategy.

*Outcome 2: Planning controls to be reviewed to facilitate diversity in housing choice, particularly smaller dwellings (1 & 2 bedroom) in medium density developments. Medium density development in a range of areas, particularly non-prime real estate areas. Facilitate medium density and other development by the Department of Housing. Facilitate development of manufactured home estate/s. Maintain minimum 30% permanent rental in current and future Council caravan parks & encourage minimum 30% permanent occupancy in private parks. Investigate use of LEP & DCP or other mechanisms to facilitate and retain Affordable Housing (as defined) whether provided by the Department of Housing or private developers.*

## **2.2 Physical catchment assessment**

A large part of the Shire is constrained for urban or more intensive rural settlement by a range of geographical factors. The Byron Rural Settlement Strategy gives a clear perspective in this regard.

Maps showing environmental constraints to further residential expansion Byron Bay and Suffolk Park are contained in Appendix 4.

The major physical constraints to growth in Byron Bay and Suffolk Park are:

- the severance of Byron Bay by the North Coast Railway line, and the lack of crossings of this line;
- inadequate capacity of the Byron Bay town centre to cater for through traffic;
- sewage treatment plant capacity;
- limited capacity of Byron Bay High School;
- stormwater drainage limitations;

- flooding and flood plain management;
- parking congestion in Byron Bay town centre;
- flora and fauna impact;
- coastal erosion hazard;
- acid sulfate soils and peat;
- the lack of available job opportunities;
- the cost and availability of serviced residential land;
- physical/ecological constraints to expansion.

A desktop assessment of existing 2(a)(Residential Zone) lands indicates that a number of undeveloped land parcels in Byron Bay and Suffolk Park are constrained for residential development by environmental attributes, particularly:

- flooding at the 1% Annual Exceedence Probability (1-in-100 year) level;
- high risk potential acid sulfate soils;
- State Environmental Planning Policies 14 (Coastal Wetlands) and 26 (Littoral Rainforest);
- steep slopes (over 20%).

The planning controls applying to constrained lands should be reviewed to ensure they offer contemporary best practice in environmental management.

### **2.3 Review of Significant Vegetation on residential land**

There is significant native vegetation on some land in the 2(a)(Residential Zone).

A desktop assessment of the vegetated lands within residential areas of Byron Bay and Suffolk Park was undertaken to ascertain their ecological significance within the study area and to determine which lands require further assessment. The preservation and enhancement of these attributes is essential in maintaining functioning populations of fauna and flora into the future.

#### **Overview of the Ecological Significance of Vegetation.**

The Byron Shire local government area exhibits an extremely high level of biodiversity at the ecosystem, species and genetic level (Byron Shire Council 1998). Northeast NSW is known to support the highest number of rare or threatened plant species in Australia (NPWS 1998) and is equal to the wet tropics for faunal diversity (NPWS 1995). The Byron Flora and Fauna Study (1999) found that the Shire supports amongst the highest number of Threatened flora and fauna species in NSW, Threatened species being those listed on Schedule 1 or 2 of the NSW Threatened Species Conservation Act 1995 (TSC Act).

The Shire's diversity in species and habitats has been influenced by a variety of environmental factors, such as topography, soils, altitude, aspect, geology and climate. The Shire's habitats support a wide diversity of flora and fauna and these habitats are integral to the continued survival of the species that rely upon them.

Existing stands of native vegetation within the 2(a)(Residential Zone) areas of Byron Bay and Suffolk Park support a diversity of vegetation associations, plant communities and habitat types. Some of these are of high conservation value or provide an example of the native vegetation cover of the locality prior to disturbance. Remaining vegetation provides a variety of important habitat resources for a high diversity of plant and animal species, including migratory and nomadic species (see

box below), and species recognised as being rare, Threatened and/or Regionally Significant (see definitions).

The majority of the habitats present within the study area have been disturbed by human activities to some degree. Despite this, remaining vegetation is considered crucial for maintaining biodiversity values within the residential landscape and serves to enhance scenic amenity within a residential context.

Some of the remaining vegetation is fragmented and isolated whilst other patches of vegetation are situated adjacent to more contiguous stands of extant native vegetation. Patch sizes for remnant/regrowth stands vary, as does the extent of disturbance and degree of weed infestation. Remaining vegetation plays an important role in providing 'stepping stone' habitat that helps to maintain connection corridors and provide habitat resources for certain species across a largely modified landscape.

Habitats present within the study area include the following broad vegetation types – rainforest, wet sclerophyll forest, moist to dry sclerophyll forest, swamp sclerophyll forest, heathland and mixed regrowth. For descriptions of the vegetation associations that encompass the above listed habitats present within the study area refer to section 4.7 of the Byron Flora and Fauna Study and the table below.

### **Recommendations**

A preliminary assessment of the existing 2(a)(Residential Zone) and 7(f2)(Urban Coastal Lands (f2) Zone) residential areas in Byron Bay and Suffolk Park has shown that there are some areas of native vegetation that are of high ecological significance and are currently zoned inappropriately. Such areas should be rezoned for environmental protection to reflect their environmental values and attributes. Areas of native vegetation within the study area that require further assessment are generally described in the table below. Each of the listed areas will require further field assessment to determine the most appropriate environmental zoning applicable to each site. The further investigation for the Paterson Street site (Item 1 below) has now been completed.

To maintain biodiversity attributes within the residential areas of Byron Bay and Suffolk Park there needs to be greater consideration given to retaining existing significant trees within residential areas (taking current Tree Preservation Order exemptions into consideration). Significant trees should be identified and considered at the development application stage. As such, house design and location within an allotment should take account of significant trees so as to not adversely impact on the stability, stature or survival of the tree.

Significant trees are:

- species listed as being rare, threatened or regionally significant species;
- plants that are a component of an endangered ecological communities or comprise habitat for endangered populations or threatened species;
- whether the tree is uncommon in the area or is of a rare genetic type;
- native trees with habitat hollows;
- locally occurring native trees above 5 metres in height;
- locally occurring native plants that produce fleshy fruit crops (e.g. figs, laurels, ebony and quandongs);

- locally occurring native plants that produce large seasonal nectar flows eg banksias, melaleucas, certain eucalypt species (e.g. Forest Red Gum, Swamp Mahogany, Ironbark, Red and Pink Bloodwood and Blackbutt);
- known koala feed trees (e.g. Forest Red Gum, Swamp Mahogany, Tallowwood, Flooded Gum) providing koalas are known from the area or could easily move into the area;
- locally occurring native rainforest species (not including the following widely dispersed early stage pioneer species with a diameter breast height measurement below 150mm– Guioa – *Guioa semiglauca*, Red Kamala – *Mallotus philippensis*, Cheese Tree – *Glochidion ferdinandi*, Bleeding Heart – *Omalanthus populifolius*, Macaranga – *Macaranga tanarius*, Foambark – *Jagera pseudorhus*, Brown Kurrajong – *Commersonia bartramiana*, Red Ash – *Alphitonia excelsa*, Sally Wattle – *Acacia melanoxylon* and Sweet Pittosporum – *Pittosporum undulatum*);
- heath;
- mangroves;
- trees that fulfil an important landscape or amenity function (e.g. forming part of an avenue, a row of trees, a natural stand of vegetation that serves to screen visually unattractive areas);
- trees that are prominently located and are considered to be cultural or social landmarks; or
- trees with historical or cultural values.

<b>Location name and description</b>	<b>Mapped vegetation association</b>	<b>Justification for environmental protection &amp; comments</b>
Paterson Street area from corner of Paterson Street, back to Evans Street and to the corner of Paterson Street near the water tower	Byron Bay Dwarf Graminoid Clay Heath – Endangered Ecological Community	Council previously zoned lands in this area (eg Eric Wright Lookout) to 7(k)(Habitat Zone). Council currently preparing a draft LEP to provide further protection for this Endangered Ecological Community. A 7(j)(Environmental Protection Scientific Zone) is being proposed.
Cypress Pine on western side of Broken Head Road at Suffolk Park	Cypress Pine	The same vegetation community on the eastern side of Broken Head Road is cross hatched on the LEP map. Suggest to extend cross hatching to the Cypress Pine on western side of Broken Head Road at Suffolk Park.
Patch of Paperbark to west of above portion – west of Broken Head Road	Paperbark	Potential habitat for threatened species. Requires further investigation for environmental protection zoning.
Rainforest Resort –Suffolk Park	Rainforest	Important rainforest vegetation present on site. Potential habitat for several Threatened species. Suggest no intensification of development. Requires further investigation for environmental protection zoning.
Caniaba Crescent – Suffolk Park	Rainforest, also Banksia, Paperbark and Brushbox	Situated adjacent to (west of) an existing 7(k)(Habitat Zone) area - owned by Council. Potential habitat for several Threatened species.
Land to west of Caniaba Crescent and south of Red Bean Road	Mapped as Banksia	Requires further investigation for environmental protection zoning.
Rainforest patch to the west of Coogera Circuit	Rainforest	Potential habitat for several Threatened species. Requires further investigation for environmental protection zoning.
Land to the north of Corkwood Crescent.	Rainforest, Paperbark, Brushbox and Banksia.	Potential habitat for several Threatened species. Requires further investigation for environmental protection zoning.
Land to the South of Bottlebrush Crescent.	Banksia, Paperbark and Rainforest.	Potential habitat for several Threatened species. Requires further investigation for environmental protection zoning, taking Land & Environment Court development consent orders into account for the “Eco Sound”

		development.
Land to the north of Broken Head Road (opposite Clifford Street)	Paperbark and Blackbutt.	Potential habitat for several Threatened species. Requires further investigation for environmental protection zoning.
Council land west of Glasgow Street	Paperbark and Swamp Mahogany	Potential habitat for several Threatened species. Requires further investigation for environmental protection zoning.
Land to north of Sally Wattle Drive and Kalamajere Drive	Paperbark	Potential habitat for several Threatened species. Requires further investigation for environmental protection zoning.
Mahogany Drive and Tallowood Crescent – access via Oodgeroo Gardens	Coastal Banksia	Potential habitat for several Threatened species. Requires further investigation for environmental protection zoning.
Land west of Alcorn Street north of Beachside Drive	Coastal Banksia	Requires further investigation for environmental protection zoning.

***Outcome 3:** Site-specific investigation of the environmental attributes of the lands in the above table is required. Protective zoning may be required over some lands. The development potential of these sites will be assessed under existing development permissibility/control provisions until such time as a Draft LEP is prepared. Development control provisions required for significant trees in residential areas.*

## **2.4 Environmental repair and enhancement**

Byron Council has a commitment to maintaining biodiversity through the protection, management and enhancement of native vegetation.

The lateral expansion of Byron Bay and Suffolk Park is constrained by areas of significant vegetation and habitat. Floodprone land, also considered a constraint to urban development, provides an excellent opportunity for revegetation, although some may continue to be used for agriculture.

Development of new subdivisions should be accompanied by environmental repair such as revegetation of drainage lines and the like. Land which is physically constrained and unsuitable for development presents an opportunity for environmental repair.

Opportunities to establish or embellish wildlife corridors should be developed in liaison with National Parks and Wildlife Service, utilising the resources of Council's Flora and Fauna Study and Biodiversity Conservation Strategy (in progress).

***Outcome 4:** A catchment-based environmental repair and enhancement scheme, under which floodprone and other constrained land unsuitable for residential development will be eventually revegetated.*

## 2.5 Floodprone land

Parts of Byron Bay and Suffolk Park are floodprone, that is, they are subject to flooding at the 1% Annual Exceedence Probability (AEP) or 1-in-100 year level.

The NSW State government Floodplain Development Manual (2001) recommends that land which is not floodprone should be developed in preference to land which is floodprone. The Manual also advocates development of *floodplain management plans* to manage the risk of flooding. Byron Shire Council has not adopted a *floodplain management plan* for Byron Bay or Suffolk Park, although a flood study has commenced for the Tallow Creek catchment in Suffolk Park.

The drainage difficulties encountered on low-lying coastal land are compounded in the Byron Bay town centre by deficient stormwater infrastructure. Council has adopted a plan to address the issue (Byron Bay CBD Stormwater Strategic Plan 1999) but it requires substantial funding which is not currently available.

*Outcome 5: In the absence of a Floodplain Management Plan there should be no rezoning to higher order uses on floodprone land. Consideration may be given to non-structural developments such as open space, car parking, camping and caravan parks in accordance with relevant guidelines. Further investigation of stormwater management measures is required, as detailed in the Byron Bay CBD Stormwater Strategic Plan 1999.*

With reference to separate localities in the study area:

### **Byron Bay:**

The future development of Byron Bay is restricted to limited infill within the existing town area. The potential for residential development to the south-west of Byron Bay in the vicinity of Old Bangalow Road and Cemetery Road is also limited. In addition, the threat of coastal erosion is a significant consideration when considering development in the coastal zone. Parts of the existing town are floodprone at the 1 in 100 level.

The future development of Belongil Spit is being determined through the Coastline Management Plan process and is likely to be fairly limited.

### **Suffolk Park:**

Suffolk Park is separated from Byron Bay by a golf course, sports field, caravan park, high school, sewerage treatment plant, vacant Crown land, and areas of wetlands and other habitat. These landuses create a greenbelt buffer between the two settlements.

The future development of Suffolk Park is limited to infill redevelopments and subdivisions. Outward expansion of East Suffolk Park is restricted by the Broken Head Nature Reserve and Taylors Lake to the south and by Environmental Protection zones to the north, south and west. Expansion of East Suffolk Park is further constrained by the design capacity of the Clifford Street intersection and the lack of a second vehicle entrance.

West of Broken Head Road there is some potential residential development along the foothills of the escarpment but this expansion is limited by potential conflicts with Batsons quarry and visual impact.

Coastal erosion is an issue for the beachfront residential area of Suffolk Park. As with Belongil, the Coastline Management Plan will eventually have some bearing on development and planning issues in this area.

### **Skinner's Shoot:**

The future development of Skinner's Shoot has already been determined through Council's Rural Settlement Strategy. Skinner's Shoot Road is a major constraint. This area has no future potential for either residential or rural residential development.

### **Areas 1, 2, 3 and 4:**

The only other potentially suitable lands for urban settlement are the Investigation Areas 1, 2, 3 and 4.

- Area 1 is a single land parcel north of the Ewingsdale Road ;
- Area 2 is on both sides of Ewingsdale Road generally surrounding the "Belongil Fields" camping area;
- Area 3 is a contiguous set of land parcels at Ewingsdale, east and west of McGettigans Lane and south of Ewingsdale Road;
- Area 4 is adjacent to Area 3, and is south west of the McGettigans Lane rural residential area.

Land capability assessments have been completed for Areas 1, 2 and 3 as have draft Local Environmental Studies. Supplementary studies focussing on wastewater disposal, traffic, flora and fauna and flooding have also been completed. The results of these studies show limited capability in Areas 1 and 2, with a range of residential density options in terms of land capability being available in Area 3. The traffic study, in particular, shows that village and urban densities in Area 3 require substantial improvements to Ewingsdale Road and other elements of the road network in and around Byron Bay. The community, both in the Ewingsdale locality and more broadly, has resisted higher densities.

*Outcome 6: maintain and enhance protection of the natural environment. Planning system to link development with infrastructure capabilities.*

## **2.6 Services**

### **2.6.1 Roads**

Byron Bay and Suffolk Park are accessed from the Pacific Highway by Ewingsdale Road, Bangalow Road and Broken Head Road.

The intersection of the Pacific Highway and Ewingsdale Road has recently undergone a major upgrading which has alleviated queuing of traffic leaving Byron Bay. Significant safety improvements are also anticipated.

In 1997 Council engaged Veitch Lister Consulting Pty Ltd ("VLC") to undertake a traffic impact and management study as part of the Local Environmental Study of Areas 1, 2 and 3. The following comments in *italics* are extracted from the VLC reports of September 1997, January 1998 and April 2001. It should be noted that those reports also outlined principles which may be applied to the whole of Byron

Bay and Suffolk Park, not only Areas 1, 2 and 3. It should also be noted that the traffic (trip distribution) model in the VLC study was *“calibrated only for private car travel and commercial vehicle trips... due to limited public transport.”*<sup>4</sup>

*Car usage:*

*“Compared with other local government areas Byron Shire has a low percentage of households without a car, a high percentage with one car and average percentages with two or three cars”*<sup>5</sup>.

*Design condition:*

*“There are no strict conventions for defining the design condition for planning network capacity... The most generally adopted network planning approach is for the design condition to be the pattern of daily traffic flow over a typical weekday.”*

*“Because it is unreasonable to allow for the absolute peak of demand in view of its inefficient utilisation of resources, the appropriate design condition has to be very much based upon what the responsible road authority would be prepared to tolerate as acceptable overload conditions.”*<sup>6</sup>

*Level of service:*

*“The actual capacity to be provided in the road system is a function of the predicted or existing traffic flow and the level of service required by the road agency [Council].”*<sup>2</sup>

*Environmental capacity:*

*“Provided traffic volumes are kept below [10,000 vehicles per day] and the road system is managed so that driver behaviour is pedestrian friendly, which means slow vehicle speeds at all times, then vehicles can co-exist with pedestrians.”*

VLC identified the following streets as carrying volumes in excess of 10,000 vehicles per day:

- *Jonson Street, between Lawson and Browning Street*
- *Lawson Street, between Butler Street and Fletcher Street*
- *Browning Street, between Jonson Street and Broken Head Road*

These high traffic volumes have implications for the types of development which should directly access those streets.

In the Byron Bay town centre, local streets often provide a diminished level of service due to seasonally high traffic volumes. The roundabout at the corner of Jonson and Lawson Streets accommodates in excess of 33,000 vehicle movements per day in peak periods.

At Suffolk Park, improvements to the Clifford Street intersection with Broken Head Road are required in the immediate future to accommodate current traffic volumes.

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<sup>4</sup> Veitch Lister Consulting Traffic Impact and Management Study, Part 2, January 1998, p2

<sup>5</sup> Veitch Lister Consulting Traffic Impact and Management Study, Stage 1, September 1997, p13

<sup>6</sup> Veitch Lister Consulting Traffic Impact and Management Study, Stage 1, September 1997, p23

Options for long term improvement of access to Suffolk Park include construction of a second access or a roundabout at the Clifford Street intersection, although opportunities for a second access are diminishing and may no longer be realistic. Further improvement to the Clifford Street intersection, such as a roundabout, would be required to cater for significant residential development or redevelopment in Suffolk Park but such intensification is not proposed in this Strategy.

The current political climate and the community vision for Byron Bay firmly places the amenity of people before cars, or pedestrians rather than car drivers. Pedestrian amenity is important to the quality of life both for residents and for the experience of visitors.

In view of the high value placed on pedestrian amenity by Byron Shire Council, higher order development should not be permitted on allotments which are accessed only from local roads carrying high traffic volumes, due to adverse impacts on the environmental capacity of the street and pedestrian amenity in the locality. Streets affected by high traffic volumes include:

- Broken Head Road
- Bangalow Road
- Tennyson Street
- Massinger Street
- Marvel Street
- Lighthouse Road
- Paterson Street
- Clifford Street
- Sunrise Boulevard
- Beech Drive
- Brownell Drive
- Marine Parade

VLC advise that “*when roads through commercial centres carry in excess of 10,000 per day there are usually lots of complaints about the adverse impact of motor vehicles on the ambience of the centre and the difficulties that pedestrians have when attempting to cross streets in these centres.*”<sup>7</sup>

*Road hierarchy:*

*Distributor roads “should be considered as ‘traffic streets’ and are primarily intended for movement of traffic through or about an urban area where the general environment is not conducive to supporting high levels of pedestrians and cycle activity... Local and individual developments would generally not be permitted to access these corridors...”*

*“Suburban distributors will generally be “access denied” to individual developments (except for district level uses) but may carry bus routes and cross pedestrian/cycle facilities... Access will be permitted to district and possible sub-regional and tourist facilities such as high schools, district shopping centres, motels and clubs. These uses need to have a road design environment which generates a sense of ‘awareness’ of slow moving, turning traffic and possible pedestrian activity.”<sup>8</sup>*

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<sup>7</sup> Veitch Lister Consulting Traffic Impact and Management Study, Part 2, January 1998, p23

<sup>8</sup> Veitch Lister Consulting Traffic Impact and Management Study, Part 2, January 1998, p27

According to VLC the following works are required for a “base case” growth scenario, which is an estimate of future growth without any development of Areas 1, 2 and 3:<sup>9</sup>

1. *Widening of Shirley Street to four lanes from Kendall to Butler Street;*
2. *Construction of the CBD bypass to perform the role of a distributor of traffic around the CBD;*
3. *An additional link from the CBD bypass to link with Jonson Street at Carlyle Street which will further reduce the traffic in the northern end of Jonson Street;*
4. *Reduction of the speed limit in CBD streets and streetscape works including traffic calming to decrease the intrusive impact of the motor vehicle to improve the ambience of the CBD;*
5. *Provision of an additional 500 car parking spaces in the CBD, many of these spaces can be provided by ensuring that new development has adequate car parking on site;*
6. *Consideration of walking and bicycle paths to encourage walking and cycling to and from the CBD thereby reducing dependence on the motor vehicle;*
7. *Sealing of the existing walkway and bikeway from Sunrise Boulevard to Kendall Street (note: this has now been done) and its continuation and connection to the CBD; and*
8. *Improvement of the public transport services to reduce the dependence on motor vehicles.*

Some of these works have significant budgetary implications for Council. It cannot be assumed that these works are financially, environmentally or socially viable.

VLC also reviewed the 2001 Draft Strategy which proposed a negligible growth in Area 1, an additional 180 dwellings in Area 2 and rural residential densities in Area 3:

*“Given the modest scale of development now proposed for Areas 1, 2 and 3 - it is VLC’s considered opinion that no major road upgrades are required, other than those previously recommended for the future Base Case Scenario (refer Section 5 of this report).*

*“In the longer term Ewingsdale Road will require four laning from Shirley Street to Kendall Street, with a median refuge to facilitate safe pedestrian crossing and vehicle turning manoeuvres. The construction of the CBD bypass will also be required to provide an alternative route for through traffic and to facilitate more efficient access to and from the CBD.”<sup>10</sup>*

Apart from improving the level of service, improved traffic management is necessary to ensure emergency vehicles (police, ambulance, emergency services) can continue to move through the town, and to minimise the incentive for traffic to transfer to undesirable routes. A low capacity rural road to the south west of Byron Bay (St. Helena Road) at times functions as a bypass for Suffolk Park residents wishing to avoid the traffic chaos of Byron Bay. VLC comment:

*“The improvements proposed for Ewingsdale Road should ensure that the volume on St. Helena Road remains relatively low. However, if additional capacity is not provided on Ewingsdale Road then there will be increasing volumes on St Helena Road which may exceed its environmental capacity and*

<sup>9</sup> Veitch Lister Consulting Traffic Impact and Management Study, Part 2, January 1998, p34

<sup>10</sup> Veitch Lister Consulting Traffic Impact and Management Study, Supplementary Report, April 2001, p11

*damage the pavement. It will act as an arterial collector to the Pacific Highway when clearly it does not have the geometric form nor the pavement to carry arterial traffic safely.”<sup>11</sup>*

Consolidation of urban centres can reduce reliance on cars and so reduce consumption of resources, including fossil fuels and land itself. This Strategy will maintain current planning provisions to consolidate residential development in the town centre.

*Outcome 7: The capacity of the local road and street network is a constraint to significant development. Limit development so as to not exceed the environmental capacity of urban streets and lanes or unduly impact on residential and pedestrian amenity.. Minimise car trips by locating tourist accommodation and residential development near the Byron Bay town centre, within walking distance (400m) of town centre amenities and beachfront. Dual occupancy and infill subdivision, other than in the 3(a)(Business Zone), should only have primary vehicle access to the street frontage, rather than increasing traffic volumes on lanes.*

## **2.6.2 Parking**

Byron Bay has a chronic shortage of car parking. This is a result of historical development patterns whereby parking was either not required by Council or the parking demand was underestimated.

The majority of parking spaces are used by residents, shopowners and employees. Tourist parking easily consumes the remaining capacity.

Council staff and community groups have identified existing shortfalls in the order of 300 – 350 spaces. VLC identified the need for an additional 500 car spaces in the Byron Bay town centre under current growth rates for a “future base case” expected to be reached within 10 years.

Council has a Section 94 (developer contributions) plan to provide public car parking in Byron Bay. The existing shortfall cannot be recouped through developer contributions. Under the new plan developers may elect to pay a contribution towards providing public car parking rather than providing it on site.

On-site car parking has implications for building design, and may be an incentive for excavation to a basement level.

The current cost for a car space under the Section 94 plan – the cost to Council of buying land on the free market for car parking in the Byron Bay town centre – is approximately \$32,000.

Tourism, especially day-tripper tourism by car, is growing. The motorway connecting the Shire with south east Queensland will significantly increase the accessibility of Byron Bay and it is assumed that increased traffic and parking demands will follow.

The demand for parking will increase and, if insufficient public parking is provided, will contribute to congestion especially near peak tourist attractions such as the Byron Bay town centre and Main Beach.

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<sup>11</sup> Veitch Lister Consulting Traffic Impact and Management Study, Part 2, January 1998, p37

Parking in residential areas also comes under some stress in holiday times. There is increased visitation by friends and relatives of local residents, and it is common knowledge that dwellings are vacated for holiday rental. These activities generate or intensify traffic and parking problems such as on-street parking and parking over neighbouring driveways.

The 1997 and 1998 VLC reports consider several growth scenarios. In terms of parking, it is worth noting the relative impact of the development of Areas 1, 2 and 3 to various densities on town centre parking:

<b>Land Use Scenario</b>	<b>Growth Factor</b>	<b>Off Peak Spaces</b>	<b>Peak Spaces</b>
1996	1.00	1189	1232
Future Base Case	1.38	1646	1706
Future Base Case and Areas 1, 2 & 3 Rural Res	1.40	1665	1725
Future Base Case and Areas 1, 2 & 3 Village	1.43	1702	1764
Future Base Case and Areas 1, 2 & 3 Urban	1.52	1807	1873

The difference between peak and off-peak demand for car spaces indicates that car parking in the town centre is in very high demand from off-peak users – that is, residents, shopowners and employees.

*Outcome 8: The deficiency in car parking is a constraint to development. All residential development to provide car parking on-site. Car parking requirements for commercial development to be determined in accordance with Section 94 plans. Council should investigate alternatives to outright land purchase for public car parking, such as joint ventures with major redevelopment sites.*

### **2.6.3 Access**

Pedestrian pathways in new subdivisions are usually built at the time of construction of the subdivision. Alternatively Section 94 contributions may be collected and expended by Council at an appropriate time.

There are Section 94 plans for provision of a cycleways and other civic improvements in Byron Bay and Suffolk Park. There are existing pedestrian/cycle tracks from Sunrise Beach to Byron Bay, and from Suffolk Park to Byron Bay.

The Cape Byron Headland Trust is establishing a pedestrian/cycle track along part of Lighthouse Road which will improve amenity and safety.

*Outcome 9: Improvements required to footpath and cycle networks, including encouragement of use by tourists.*

### **2.6.4 Water Supply**

The residential areas of Byron Bay and Suffolk Park are serviced by reticulated water which is provided by Rous County Council.

There are currently no constraints on the water supply infrastructure. However recent changes to legislation (notably the introduction of the Water Management Act, 2000) indicate that water supply infrastructure may have to be upgraded to maintain environmental flows. The implications are unclear at this stage.

### **2.6.5 Sewer**

In planning for a sustainable future, sewage management is no longer seen as reactive to planning. Rather, the capacity of the environment to absorb nutrients and treated wastewater is integrated into planning as a potential limiting factor on population growth.

Sewerage treatment plants are located at South and West Byron. The South Byron plant is to be decommissioned and all of its load transferred to an upgraded West Byron treatment plant.

The treatment capacity of West Byron STP is to be further upgraded to accommodate the population growth anticipated in this Settlement Strategy. The Byron Bay Effluent Management Strategy contains details of the nutrient loading on the Belongil catchment.

It is anticipated that first stage works on the West Byron STP will be commissioned in 2003.

*Outcome 10: The capacity of sewerage infrastructure is a constraint to further development. No further development should be permitted which places additional loading on the sewerage system until upgrading works are completed. LEP to incorporate provisions to link development with effluent reuse capacities, as detailed in the Byron Bay Effluent Management Strategy, such that there is no increase in the mass of nutrient load from the STP to the Belongil catchment as measured at the outlet to the constructed wetland.*

### **2.6.6 Stormwater drainage**

The stormwater drainage system servicing the Byron Bay town centre is unable to cope with runoff from intense rain events. This can disrupt traffic and pedestrian movement, and may damage parked vehicles and occasionally to goods in shops.

Improvements to the stormwater drainage infrastructure are detailed in the Byron Bay CBD Stormwater Strategic Plan (see map at Appendix 2). These improvements are estimated to cost \$2 million.

Stormwater runoff from new developments can be addressed through on-site detention, but the real solution to this issue lies in substantial Council works expenditure.

Stormwater flooding has also caused problems at Suffolk Park. Council has embarked on a flood study and management plan for the Tallow Creek catchment. That plan should indicate any necessary corrective actions.

*Outcome 11: Stormwater requires management but should not be considered as a constraint to development in Byron Bay town centre. Planning instruments to encourage management measures such as on-site infiltration & water conservation. Council to investigate a Section 94 plan for town centre stormwater infrastructure.*

### **2.6.7 Social infrastructure**

Major improvements to social infrastructure, such as schools and hospitals, are required to support significant additional population in Byron Shire.

The Department of Education and Training is currently investigating ways to improve high school capacity in the north of the Shire, either by construction of a new school or upgrading facilities at Mullumbimby. Byron High School is also nearing its capacity.

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

Development consent has been issued for a substantial upgrading of the Byron Bay Community Centre. This will provide additional community facilities such as theatre space and meeting rooms.

The Byron Bay library requires upgrading; options are currently being investigated.

Council adopted a new Section 94 (developer contributions) plan in late 2001. Under this plan new residential and commercial development will have to pay towards the costs of providing infrastructure and community and cultural facilities.

*Outcome 12: Council to maintain dialogue and negotiate with the relevant authorities and private landowners to retain or reserve land for social infrastructure including schools, hospitals, aged care, open space.*

## **2.7 Tourism**

The 1988 tourism study is quite dated but it has not officially been superseded. A current study and Tourism Strategy are required.

Byron Shire is a major tourist destination, featuring in State and Federal government tourism campaigns and corporate advertising. Regional tourism, especially by car, is expected to be the focus of future tourism campaigns and advertising. It is likely that the wider North Coast region will reap some flow-on economic benefits from Byron Bay being a major attraction.

The impacts and costs of tourism on the infrastructure, especially, of Byron Bay are not directly recouped from the users. Council is investigating methods of recouping costs through such mechanisms as differential rates on commercial premises and paid car parking. Current state government legislation does not allow Council to directly tax tourism, such as through a “bed tax”.

Traffic Consultant Veitch Lister Consulting identified the following factors related to tourism:

*“On an average night visitors increase the population by nearly one quarter and during the peak holiday times they increase the population by nearly one half. The traffic generated by visitors to Byron Bay has a significant impact on the road network in Byron Bay.”<sup>12</sup>*

*“About 80% of visitor trips are made by private vehicle.”*

Holiday letting of dwellings is a common practice in Byron Bay and Suffolk Park. It provides income for home owners and a diversity of accommodation choice for visitors to the Shire, but it can adversely affect the amenity of residential areas particularly through additional traffic, parking and noise. The use of a dwelling in this

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<sup>12</sup> Veitch Lister Consulting Traffic Impact and Management Study, Stage 1, September 1997, p13

way may constitute a “tourist facility,” a use that is prohibited in the 2(a)(Residential Zone).

Rather than distinguish between “residential” and “tourist facility” in a legalistic (and practically unsustainable) sense, it is proposed that a new “dual use” definition be adopted for residential development in some areas such as the 3(a)(Business Zone) and other areas nearby such as Shirley Street and Lawson Street. This will allow either permanent residential living or holiday rental, eliminating any confusion and relieving Council from policing what at times seems an arbitrary and artificial distinction. It will not address the unauthorised operation of “tourist facilities” in residential areas.

Hostels, principally a destination for backpackers who do not have private car transport, should be contained within the town centre business area. There may be opportunities for hostel developments within existing tourist developments such as caravan parks.

Motels are suited to the central business area and the main traffic artery of Shirley Street. Landscaping and design guidelines for motels should be reviewed and enhanced.

The Suffolk Park business area is a strong focal point for the Suffolk Park residential area. It is too small to effectively accommodate hostels and motels as well as provide commercial services.

*Outcome 13: Adopt a new “dual use” definition for residential development in central parts of Byron Bay. Limit motels and hostels to town centre localities. No motels or hostels in Suffolk Park 3(a)(Business Zone).*

## **2.8 Minimising land use conflicts**

Land use conflicts can occur when people are concerned about the impacts of neighbouring or nearby activities on their health or amenity. An example is conflict between residents and intensive agriculture involving chemical sprays. Public perceptions and complaints, justified or not, and regardless of “who was there first” can be a disincentive to landowners conducting what may be completely lawful income- and employment-generating activities.

It is common practice to provide buffers of distance between potentially conflicting land uses. The effectiveness of buffers may be modified by intervening topography and vegetation.

There are no intensive agriculture activities in close proximity to Byron Bay and Suffolk Park.

There is a major quarrying operation south of Suffolk Park which is likely to continue operation for another 15 years or so.

The Sunnybrand Chickens processing plant on Ewingsdale Road is at times a source of undesirable odours.

A buffer should be maintained around the South Byron Sewerage Treatment Plant until the plant is decommissioned and the site rehabilitated.

There is a high level of concern in the community about the impact of tourist facilities on residential amenity, particularly with regard to noise, traffic and parking.

Experience has shown that encroachment by residential development often leads to the closure or scaling down of entertainment venues, mainly due to complaints about noise. Entertainment is an inherent part of the social culture of Byron Bay. The pubs provide venues for local performers. Residential development should not be allowed to encroach on entertainment venues at the expense of the entertainment industry and the enjoyment of patrons. Research is required to ascertain appropriate buffer distances or other mitigating measures.

*Outcome 14: Limit potential land use conflicts through buffers and the development control system. No residential development in close proximity to entertainment venues.*

## **2.9 Design**

Urban design has a central role in making towns and villages more environmentally responsible (by fitting new urban 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 reinforce and maintain the fundamental character of a town, village, neighbourhood or street;
- inconsistencies which detract from neighbourhood character can be remedied, and
- guidelines for future development can be established.

Byron Bay and Suffolk Park are locally diverse in building height, bulk and density. For example single storey detached dwelling-houses predominate in Sunrise Beach, whereas two storey development is more common in areas of sloping land at west Suffolk Park.

Most developments in the Byron Bay business area are one or two storeys high, with a few three storey buildings. Residential development is also a mixture of single and two storey, with a very few three storey residential flat buildings.

There are some heritage buildings and other buildings which, whilst not heritage items as such, contribute to the character of their area.

A recent trend is excavation for underground car parking. There are visual advantages in concealing car parking from public view, although underground car parks may create concealed and often poorly lit spaces, which is counter to the principles of designing for crime prevention.

It is important for developments to retain and even enhance streetscape and character.

In terms of subdivision design, this Strategy identifies several opportunities for environmental repair and revegetation. Experience has shown that urban bushland can easily be neglected, with dumping of rubbish, weed invasion, and vegetation removal for lawn encroachments, especially if it is located 'behind' subdivisions and

'over the back fence' of individual housing lots. Alternatively, single-sided roads can provide scenic amenity for drivers and pedestrians, and allow easy access for maintenance. There are however higher subdivision construction costs per allotment.

Generally residential development should be limited to a height of 2 storeys. Three storey development is not compatible with the community's vision for Byron Bay and Suffolk Park.

There is also the opportunity to improve public amenity by "trading-off" height with increased building setbacks, especially for *alfresco* dining.

*Outcome 15: Further consultation to ascertain desirable design characteristics, including new buildings and retention of older buildings. Obtain advice from a heritage adviser on design guidelines for character precincts and buildings.: Adopt design guidelines in planning instruments for neighbourhoods in Byron Bay and Suffolk Park. Two storey height limit for all development (commercial and residential). Design guidelines to be developed.*

### **3 OUTCOMES - GENERAL**

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

#### **3.1 New types of development**

This Strategy has identified the need for Council to recognise and facilitate new forms of residential development in Byron Bay and Suffolk Park. Refer to Appendix 1 for a list of existing and proposed definitions.

##### **3.1.1 Garden flats**

As a form of dual occupancy, garden flats have been permissible for many years under Byron Local Environmental Plan 1988 and its predecessor the Byron Interim Development Order. Commonly known as a granny flat or studio, the garden flat is a small dwelling that has certain attributes which can be moulded into a legal definition and development controls:

- They are ancillary to another (usually larger) dwelling.
- They are 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).
- 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 appropriate development controls for garden flats:

- Either attached to, or detached from, an approved dwelling-house (whether existing or proposed-and-not-yet-constructed).
- Only where there are no more than 2 dwellings (namely the main dwelling-house and the garden flat but no other dwellings) on an allotment.
- Minimum lot size 600 m<sup>2</sup>.

- Maximum floor space ratio of 0.5:1 (same as single dwellings and dual occupancy).
- Maximum gross floor area of 60 m<sup>2</sup> with up to 15 m<sup>2</sup> deck/balcony.
- Single storey only.
- Must have direct access to a minimum of 30 m<sup>2</sup> of useable open space, including any deck/balcony. Other development controls may be required to ensure privacy.
- Car parking:
  - 1 space for the main dwelling, except where primary access is off a lane in which case 2 spaces are to be provided.
  - 1 space for the garden flat.
  - A third space which must be accessible to either.
- Stack parking and parking in front yards is not acceptable.
- Erection of a garden flat should not cause trees to be removed.

Garden flats will only be permissible in specified residential areas, including dual occupancy precincts and character areas.

As a streetscape and neighbourhood character issue, consideration should also be given to access arrangements in different localities. For example it may be appropriate to require garden flats to have primary vehicle access from the main street frontage only, rather than lanes. This requires further investigation at neighbourhood level.

Garden flats will accommodate additional population and should be levied section 94 developer contributions for community facilities, open space, the provision of water and sewerage services and other amenities. Current practice suggests this would be in the order of 60 to 70% of an average dwelling.

*Outcome 16: Adopt a legal definition and development controls (including permissible localities) for garden flats. The garden flats concept should be reviewed after three years to gauge the effectiveness of development controls, impacts on residential amenity, and whether they have proven to be an effective response to housing supply issues.*

### **3.1.2 Bed and breakfast establishments – size classes**

The current definition of a bed and breakfast establishment (B & B) allows up to five guest rooms in a bed and breakfast establishment. Council resolved to amend this definition to a maximum of three guest rooms, although that change is yet to take effect. The following comments are made in the context of the current definition (five guest rooms).

It is acknowledged that B & B's can provide additional income to householders and are an increasingly popular form of tourist accommodation.

Bed and breakfast establishments should be spread across as many providers as possible. This will maximise choice and will maximise the opportunity to develop bed and breakfast facilities, most likely as an ancillary use and alternative source of income.

The commercial nature of large 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. In response to

these issues, Council has recently resolved to amend the definition of a B & B to a maximum of three guest rooms, although the necessary legal process has not proceeded sufficiently to assume this proposed change will succeed.

In the interim, it is proposed that B & B's be split into size classes of 1, 3 and 5 guest rooms.

The intensity of the operation should be consistent with the residential character of the neighbourhood. The larger B & B's facilities should be located in business areas close – preferably within walking distance – to the Byron Bay town centre and Suffolk Park village centre and major tourist attractions such as Main Beach and Clarkes Beach.

Three guest rooms is appropriate in residential areas near the town centre.

Bed and breakfast establishments should be restricted to one guest room in outlying residential areas and “character areas”.

The constrained road network of Wategos Beach, and community opposition expressed through the consultation process of this Strategy, indicate that Wategos Beach is unsuitable for further tourist accommodation including B & B's.

The cumulative impact of B & B's and their impact on amenity and neighbourhood character should be monitored.

*Outcome 17: New definitions and permissible localities for bed and breakfast establishments based on (a) one guest room, (b) up to three guest rooms and (c) up to five guest rooms. Note: this system should be modified in the event that the legal definition of “bed and breakfast establishment” is amended to a maximum of three guest rooms.*

### **3.1.3 Multi-dwelling development**

Existing definitions do not provide the flexibility required to address all possible forms of multi-dwelling development. A new set of definitions is required to cover residential flat buildings, villas, townhouses, combinations of attached dual occupancy buildings and the like.

The development control provisions which apply to medium density development need to be reviewed to allow the management and letting of medium density developments by a manager residing on-site.

*Outcome 18: Adopt new definitions for multi-dwelling development to cover all forms of urban residential development of three or more dwellings on an allotment. Review development controls to permit on-site management of residential flat buildings.*

### **3.1.4 Mixed development**

Residential development associated with commercial development has in the past been designed and assessed under the different guidelines applying to each use (that is, commercial guidelines for commercial development, residential guidelines for residential development. However the relationship of residential developments with adjoining commercial land raise different issues. For example, buildings in the 3(a)(Business Zone) can be built to the property boundary, without setbacks. This has the potential to adversely impact on the amenity of residential dwellings.

A new set of integrated development controls for mixed commercial/residential uses are required.

*Outcome 19: Develop integrated controls for mixed commercial/residential developments.*

### **3.1.5 Dual purpose residential development**

This Strategy proposes to not differentiate between tourist and permanent residential accommodation in the business area of Byron Bay and in areas well known for holiday lettings such as Lawson Street/Lighthouse Road. In such cases a single “dual purpose” definition is required.

“Dual use” developments must provide high residential amenity and should provide the same private and public open space, landscaping and parking requirements as medium density development.

*Outcome 20: Adopt a new definition for “dual purpose” development, permissible in 3(a)(Business Zone) and other areas close to beaches already providing tourist accommodation.*

## **3.2 OUTCOMES FOR SPECIFIC AREAS**

### **3.2.1 Byron Bay business area**

This refers to the 3(a)(Business Zone) As well as land north of Lawson Street in the 7(f2)(Urban Coastal Lands Zone).

The Byron Bay business area is located close to Main Beach. It contains a diversity of social, entertainment, eating and other attractions. The town centre is itself a tourist attraction, and it also has ‘lifestyle’ residential amenity.

The value of commercial floorspace is increasing. The supply of commercial floorspace should not be restricted by allowing residential-only development.

Mixed residential/commercial development in the town centre has several advantages:

- additional security for shopowners (especially if they are residents);
- efficient use of infrastructure;
- reduction in vehicle dependency;
- improved convenience and amenity for residents.

The Byron Bay business area is likely to be in high demand for redevelopment to create additional residential dwellings. The pace and scale of recent redevelopment has generated concern in the community. A main street study in 1992 by consultants Conybeare Morrison proposed to divide the town centre into various precincts; these could be the basis of development controls for staging of development or to create a framework for a more considered urban design.

*Outcome 21: Investigate planning mechanisms to introduce staging or precinct-based development of the Byron Bay town centre.*

Traffic reduces the pedestrian amenity of the Byron Bay town centre. Future redevelopments of existing commercial or residential sites should not exacerbate the situation with driveway crossovers and traffic movements over footpaths. Currently there are no driveway crossovers in the following parts of the town centre:

- Lawson Street between Jonson Street and Fletcher Street;
- Jonson Street between Bay Street and Carlyle Street

*Outcome 22: Develop design guidelines for mixed residential/commercial development, addressing streetscape, built form and residential amenity. No new driveway crossovers or intensification of development fronting parts of Lawson Street and Jonson Street.*

### **3.2.2 Byron Bay residential area**

This refers to the residential area of Byron Bay township surrounding the business district. It extends from Belongil in the west to Lighthouse Road in the east, and south to the High School near Bangalow Road. There is a mix of residential development, predominantly single dwellings but dual occupancy and medium density is scattered throughout. Motels and hostels are scattered through the residential area along the main traffic routes, namely Shirley Street and Broken Head Road.

Traffic levels and access are important safety and amenity issues, especially on Broken Head Road.

The existing 2(a)(Residential Zone) should be refined in order to provide more certainty as to what types of development can occur in specific areas.

The Byron Bay residential area will generally maintain a single detached dwelling urban form, particularly in the delineated “character areas”. Some consolidation will occur in the residential area south of the town centre through dual occupancy.

Medium density development should be confined to precincts which have already developed in Shirley Street, Lawson Street, Sommerset Street and Jonson Street.

Residential densities should be limited to single detached dwelling-houses only on allotments adjoining sensitive environments. This will minimise encroachment and buffer effects generally, especially the predation of native fauna by domestic animals.

Parts of the 2(a)(Residential Zone) south of Jonson Street (that is, further south of Mitre 10) are undeveloped. The land is partly subject to flooding and contains some native vegetation. Environmental attributes need to be investigated, with appropriate zoning of lands requiring environmental protection.

The section of Browning Street between Jonson Street and Bangalow Road carries high volumes of traffic. Allotments fronting Browning Street should be restricted to single dwellings if they are reliant on Browning Street for vehicle access

Taking environmental and access constraints into consideration, land south of Jonson Street may be suitable for a range of uses. The final outcome will depend to some degree on construction of the town centre bypass, which is to connect with the Browning Street/Jonson Street intersection. Council should consider the suitability of this land for traffic and parking management measures. There may also be some

scope for commercial uses given the proximity to the existing 3(a)(Business Zone), although that would require a detailed commercial analysis beyond the scope of this Strategy.

*Outcome 23: Precincts for different types of residential development such as dwelling-houses, dual occupancy and medium density.*

### **3.2.3 Areas contributing to town character**

Parts of Byron Bay contain a concentration of older dwellings and other buildings which contribute to the heritage and character of the town. These areas are located in the Kingsley Street and Burns Street areas, and to a lesser degree Shirley Street, and are illustrated on Map 13.

To ensure future development respects the character of these areas, specific development controls are required which address such issues as:

- roof pitch
- roof materials
- building materials
- setbacks from streets and lanes
- access and driveway construction

The usage patterns of back lanes, street trees and landscaping also contributes to the character of these areas. The Norfolk Pines on Shirley Street, the palms at the eastern end of Carlyle Street and the fig trees at the eastern end of Kingsley Street are examples of significant street trees which should be preserved.

A set of “neighbourhood preferred” species may be appropriate, to assist those landowners who wish to actively maintain the landscape and streetscape character of an area.

Council’s heritage adviser has made a preliminary assessment of Byron Bay and has provided the following advice:

*“The three proposed character areas in Byron Bay are supported, but with some reservations. The following suggestions should be considered:*

- ❑ *The Kingsley Street Area could be extended to include the houses in northern zone of Massinger Street and the school grounds and houses opposite in Kingsley Street.*
- ❑ *The Burns Street and Shirley Street precincts do not possess much cohesion. The quality of the built environment in these areas is not high but there is sufficient character to warrant the introduction of controls to protect the areas against discordant new developments. The controls could be based on traditional plot sizes and setbacks, roofing pitch, materials (eg. corrugated sheet metal, horizontal weatherboards, timber framed window joinery and low fences), set-backs on all four sides of new or buildings and extensions, and scale and bulk.*
- ❑ *Additional precincts should be considered. These could be established solely on heritage values and they could include:*

- ❑ *the railway station, Station Master's residence, water tower, railway line and Community Centre;*
- ❑ *Police Station and level crossing;*
- ❑ *Orient Restaurant intersection.*

#### *LISTING OF HERITAGE ITEMS IN THE LEP*

*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.*

#### *CHARACTER AREAS*

*The use of the term 'character areas' to describe the groups of buildings in the settlements that retain a character relating to the way the settlements appeared prior to the arrival of modern development is supported.*

#### *WORK ON HERITAGE ITEMS AND ITEMS IN CHARACTER AREAS*

*Much of the recent work on heritage items in the business precincts and proposed character areas is superficial and inappropriate. This is particularly true of much of the recent work in Byron Bay and Bangalow, where some old buildings are now indistinguishable from new buildings. The work is not consistent with best practice for places of heritage significance. However the problem is not unique to the Byron Shire. It is partly a result of current building practices.*

*Byron Shire Council should consider ways of ensuring that the work on places of significance will be undertaken to an appropriate standard to avoid the undesirable newness of restoration works and the early failure of those works.*

#### *ADVERTISING AND COMMERCIALISM*

*The guidelines for advertising might be reviewed and re-drafted to provide for reasonable acceptable standards, covering such things as:*

- ❑ *A maximum size for signs*
- ❑ *A maximum size of lettering on signs*
- ❑ *No fluoro paint on signs or on premises*
- ❑ *No neon or backlit signs on buildings and only on freestanding signs when approved development."*

Residents have expressed their concern over the permissibility and potentially increased costs involved in redeveloping their land, including minor modification of existing dwellings, if a 'heritage' or character value is assigned to their area.

The current PlanFIRST proposal – a substantial amendment to State planning legislation – is indicative of a move towards a place based system rather than generic zoning. Under the PlanFIRST system, all places or neighbourhoods will have their own particular character, or their desired future character, described in local plans. In this context, the nominated character areas will not be unique in having their character described in planning documents.

*Outcome 24: Develop design guidelines to maintain and enhance predominant character of built form and open space/landscaping. Garden flats permissible in delineated character areas, subject to design guidelines. Bed and breakfast establishments permissible in character areas subject to the dwelling complying with local neighbourhood character. Amend exempt and complying development criteria (e.g. dwelling extensions, recladding) to encourage consistency with neighbourhood character.*

### **3.2.4 Wategos Beach**

This locality is a popular destination for tourists and local residents. The road network (including the only access route, Lighthouse Road) and availability of parking frequently operate above their design capacity.

Some individual sites may be capable of supporting dual occupancy development however the criteria for determining suitability should not rely on simple measures such as minimum lot size, due to the topography of the area. Future development in Wategos Beach should be restricted to single dwelling-houses only.

*Outcome 25: Single dwelling houses only, no dual occupancy or medium density. No commercial development (e.g. shops, hostels, motels, boarding houses). No B & B's.*

### **3.2.5 Sunrise Beach**

This is a residential area adjacent to Byron Bay's main industrial area. All land in the 2(a)(Residential Zone) in Sunrise Beach has been subdivided and developed for detached housing, dual occupancy and medium density development.

Land zoned 2(v)(Village Zone) west of Bayshore Drive is entirely within the buffer to the West Byron sewerage treatment plant. Improved treatment processes in the upgraded plant may reduce buffer requirements.

There is an undeveloped 3(a)(Business Zone) at the western end of the subdivision. Limited commercial services are available at a service station complex adjacent to Ewingsdale Road.

There are no approvals for commercial residential uses such as motels, hostels, or tourist facilities in the residential area.

There are areas of medium density development in Belongil Crescent and at the western end of Sunrise Boulevard and there is a scattering of dual occupancy.

Due to the relatively recent development of this area and the average life expectancy of residential buildings, it is not likely that the area will be subject to redevelopment for about 20 years.

Garden flats are not favoured due to the subdivision layout and general development pattern. The lack of mature trees on residential lots also suggests that the amenity of the area should develop further before residential consolidation is considered.

*Outcome 26: Single detached dwelling-houses; B & B's (1 guest room). Medium density in existing precincts.*

### **3.2.6 Suffolk Park**

This includes the area east of Broken Head Road, as well as the newer subdivision areas west of Broken Head Road (“Baywood Chase” and “Byron Hills”).

There is a 3(a)(Business Zone) containing a hotel/tavern and shops. There is a doctor’s surgery and chemist nearby.

The Baywood Chase and Byron Hills areas west of Broken Head Road are predominantly single dwelling areas.

Higher residential density could be accommodated in close proximity to the Clifford Street 3(a)(Business Zone). However, traffic flows at the Clifford Street intersection are a constraint to significant increases in development.

Suffolk Park beaches are popular destinations for tourists and local residents.

*Outcome 27: Single dwellings;. B & B’s of 1 guest room; no B & B’s, motels or hostels.*

### **3.3 (d) Investigation Zone**

#### **3.3.1 Investigation sites 1 – 11**

Eleven sites in the study area have been zoned 1(d)(Investigation Zone) since the adoption of Byron Local Environmental Plan 1988. The development future of these lands is addressed in the following sections.

Several of the sites have a unique combination of attributes which cannot be addressed under the standard zoning system.

#### Investigation Site 1:

7.4 hectares in several land parcels, south of McGregor Street Suffolk Park, east of Broken Head Road. The Cape Byron Consultative Committee has recommended that part of this land be included in the adjoining proposed National Park. It is constrained by its flora and fauna values, and is adjacent to a quarry. Part of the site is affected by a Ministerial (Section 117) Direction to protect the extractive resource.

*Outcome 28: No intensification of residential development above existing entitlements. Investigate appropriate Environmental Protection zone.*

#### Investigation Site 2:

1 hectare on the intersection of Broken Head Road and Beech Drive. Generally unconstrained except for the presence of deemed contaminated land due to a decommissioned cattle tick dip site. There is an aged care facility adjacent to the north.

The owners of the aged care facility have purchased this Site and have indicated a desire to expand the facility.

The Site may be suitable for some public open space purposes.

*Outcome 29: Council to negotiate development options with the landowner with a view to extension of the adjacent nursing home in exchange for dedication of part of the Site for open space.*

Investigation Site 3:

This Site comprises two adjacent tourist developments, the Wheel Resort and the Byron Bay Tourist Park (formerly Crosby's Caravan Park). Lateral expansion is constrained by environmentally sensitive land, and the requirement to maintain a buffer to the South Byron sewerage treatment works.

Site 3 is unsuitable for permanent residential development until such time as the South Byron Sewerage Treatment Plant is decommissioned and rehabilitated. There should be no further expansion of existing uses beyond existing approvals (an additional two cabins are yet to be constructed on the Wheel Resort).

*Outcome 30: Environmental Protection. No expansion of footprint of existing development and no intensification of built development.*

Investigation Sites 4 and 5:

These two parcels of land are near Byron High School, and are subject to the Arakwal Agreement, a negotiated agreement between indigenous people, State government and Council. Future residential development of this land is being addressed through negotiations with the Arakwal people.

*Outcome 31: Rezoning is proceeding in accordance with the Arakwal Agreement and the Environmental Planning and Assessment Act, 1979.*

Investigation Site 6:

This Site is adjacent to and north of the rugby league ground, which itself is on the corner of Bangalow Road and Broken Head Road. The site is constrained by flooding and its proximity to SEPP 14 Wetland (less than 50 metres). There is also an unresolved issue about access to Broken Head Road.

The rugby league ground is used intermittently as an entertainment venue. The Site is unsuitable for housing development.

*Outcome 32: Environmental Protection of significant vegetation.*

Investigation Site 7:

17.7 hectares of land adjacent to the cemetery. Constraints to residential development include poor drainage, fire risk, and flora and fauna values. Less than 5ha is unconstrained. Access is through an established residential area which does not include tourist accommodation.

*Outcome 33: Environmental protection zoning; zone unconstrained land in accordance with environmental and agricultural attributes.*

#### Investigation Site 8:

2.9 hectares of land constrained by adjoining wetlands and significant vegetation. The Site is remote from urban areas and is unsuitable for residential development.

*Outcome 34: Environmental protection zoning; zone unconstrained land in accordance with environmental and agricultural attributes.*

#### Investigation Site 9:

This is a large area of Crown land managed by the Department of Land and Water Conservation in the heart of Byron Bay, commonly referred to as “Sandhills Estate”. It is the subject of a native title claim. There is some weed invasion and the land has been extensively modified in the past. The land's strategic location and environmental, social and economic values necessitate comprehensive investigation to develop and implement a sustainable and acceptable outcome for its future management.

Any development of this Site should maintain pedestrian & cycle access through the extension of Cowper Street.

*Outcome 35: Further negotiation with Arakwal Corporation and Department of Land and Water Conservation regarding future uses including public purposes. No significant development until the town centre stormwater strategy is implemented. Maintain pedestrian & cycle access through the extension of Cowper Street.*

#### Investigation Site 10

This Site has an area of 4.7 hectares and is subject to the Arakwal Agreement for use as an environmental interpretive centre. Future development is being addressed through negotiations with the Arakwal people and the rezoning process. An investigation of land contamination is necessary because of the site's past land use history.

*Outcome 36: Rezoning is proceeding in accordance with the Arakwal Agreement and the Environmental Planning and Assessment Act, 1979.*

#### Investigation Site 11

43.9 hectares to the north of Ewingsdale Road adjacent and to and west of the existing industrial area. The western portion (about two thirds of the Site) is constrained by a high water table, poor drainage and flooding potential, and the presence of peat and potential acid sulfate soils. It is entirely within the 400m buffer to the West Byron sewerage treatment works and was previously used as a Council rubbish tip site.

The land is not suited for residential development. Part of the land may be suited to industrial development but this would be subject to investigation and assessment of constraints by the landowner. As the timeframe for such investigations is unknown the land should be rezoned to a general rural zone immediately.

*Outcome 37: Rezone to appropriate rural zone.*

### 3.3.2 Investigation Area 1

13.8 hectares located north of Ewingsdale Road, between Belongil Creek and Kendall Street (the access street to Belongil).

The land is reasonably level and the majority is floodprone. The extent of existing Environmental Protection Zones should be reviewed to ensure consistency with the extent of riparian and other vegetation. A vegetated buffer should be established adjacent to Ewingsdale Road.

A few thousand square metres at the eastern boundary may not be flood prone due to some site disturbance and filling. The exact extent of the 1-in-100 year level needs to be verified.

The land is within about 300m of Belongil beach and is approximately 1km from the Byron Bay town centre. It is well located for public purposes such as sporting fields. Using part of the land for car parking could, in conjunction with signage and promotion of Belongil Beach as a destination, ease some of the congestion experienced in the town centre. The site may have potential for a bus station facility.

The land has been identified in the past as a possible route for a second access to Belongil in the event of the current access being lost to coastal erosion.

*Outcome 38: Area 1 is unable to contribute to the stock of residential land at present. Investigate appropriate Environment Protection zone/s over significant vegetation nearer Belongil Creek. Investigate flood levels and development outcomes appropriate given the site's constraints. Council to investigate and negotiate with the landowner regarding acquisition of a new public road route, purchase for open space and the suitability of the site for traffic & parking management opportunities.*

### 3.3.3 Investigation Area 2

Area 2 consists of about 110ha on the south side of Ewingsdale Road and 12ha on the north side.

Principal factors influencing development potential here are:

*Community views on expansion of Byron Bay:* "No more sprawl" has been a common theme in community feedback during development of this Strategy. Current community views are not generally in favour of additional greenfield residential development. However there is also demand for additional housing, especially in the lower price range compared to the Byron Bay town centre and beachside areas.

*Infrastructure constraints:* This primarily relates to the capacity of sewerage treatment plant, roads and car parks. The sewerage treatment infrastructure is being upgraded. Veitch Lister Consulting recommend widening Ewingsdale Road, increasing town centre parking, construction of a town centre bypass and a range of other measures to accommodate existing and anticipated future growth. These works are required without any additional greenfield subdivisions. The recommended works are correspondingly more extensive if there is to be additional development to the west of Byron Bay.

*Visual impact of urbanisation:* Area 2 is a significant "gateway" site for Byron Bay, fronting Ewingsdale Road for about 1500m. Most of it has an open rural

appearance. A substantial vegetated buffer of native trees would provide visual screening as well as additional vegetation and habitat. Revegetation would also improve the visual amenity of this section of Ewingsdale Road, which has a direct view corridor to the lighthouse.

*Flooding:* substantial areas of Area 2, predominantly at the southeast, south and southwest margins, are floodprone. Non-floodprone land is concentrated in one contiguous area at the core of Area 2.

*Significant vegetation and environmental repair:* Area 2 contains several drainage lines which would benefit from environmental repair to reinvigorate their ecosystem functions. The land generally south of Belongil Fields has been identified as a regional wildlife corridor in the draft NPWS Key Habitats and Corridor Project. This Project was developed after the Local Environmental Studies of the mid-1990's. There are several factors in favour of environmental repair in Area 2, including:

- To become part of an identified regional corridor linking Cumbegin Swamp to Tyagarah Nature Reserve;
- To provide flood-free wildlife refuge areas on non-floodprone land;
- To reduce the "edge to area" ratio (basically, keeping the edge of vegetated areas regular compared to the existing encroachment of cleared area into the vegetated area);
- To provide for threatened species habitat and satisfy minimum habitat requirements;
- To create a buffer to existing wetlands.

There are approximately 45 hectares of unconstrained land in Area 2, the majority of which is south of Ewingsdale Road.

*Area 2 - North of Ewingsdale Road:*

This part of Area 2 includes an existing caravan park (Byron Bay Van Village) and a few dwellings on large lots with a canopy of native vegetation. The area is constrained by significant vegetation and flooding. Vegetation in the 1(d)(Investigation Zone) is mostly swamp mahogany and Melaleuca. This provides habitat for rare fauna such as the koala and blossom bat. Degraded habitat is still capable of providing environmental benefit by linking vegetation corridors to the south, east and north, and would be improved by regeneration. Environmental studies have identified the need for a buffer to Belongil Creek.

Less than ½ hectare of this area is completely unconstrained. Residential potential is limited to existing dwelling entitlements.

*Outcome 39: Environmental Protection, with single dwelling entitlements. Environmental Protection zoning within 50m of Belongil Creek. The potential for a small neighbourhood general store should be further investigated by survey of Sunrise Beach residents.*

*Area 2 - South of Ewingsdale Road:*

Unconstrained parts of Area 2 south of Ewingsdale Road are physically capable, and locationally suited, to various forms of development. The land is within a few hundred metres of the West Byron sewerage treatment plant, indicating that

extension of sewerage trunk mains would be a relatively low cost work. In fact, Belongil Fields is already connected to the sewerage treatment plant.

With respect to each land parcel south of Ewingsdale Road:

*Belongil Fields:* This site is currently operating as a caravan park and camping ground. It is subject to an order from the Land and Environment Court which establishes a “credit” of 226 caravan sites or an equivalent of 113 dwellings and a conference centre. The Court order also requires the re-establishment of trees which were removed without Council consent in the early 1990’s. Environmentally sensitive land, including the revegetation subject to court order, should be rezoned to Environmental Protection. The remaining unconstrained land has an area of approximately 20ha.

Legislation applying to caravan parks allows some interchange between camping sites, caravan sites and permanent holiday cabins. A shift to more permanent forms of accommodation should consider the implications of distance to services such as shops, public transport and social infrastructure.

In view of the increasing demands for lower cost housing, it would be feasible to develop some of this land as a manufactured home park under similar guidelines to State Environmental Planning Policy 36 (Manufactured Home Estates), with locally-derived guidelines such as maximum cluster sizes. Recent research suggests clusters of up to 15 dwellings encourage a sense of local community. There could be more than one such cluster.

*Land east of Belongil Fields:* 6ha of unconstrained land between Belongil Fields and Belongil Creek. There is a development consent on this land for an industrial building for the manufacture of timber boxes. This site is separated from Belongil Fields by an unused road reserve. It would be advantageous for traffic management if access points to Ewingsdale Road were kept to a minimum. Conveniently, there is a road reserve which could provide access to both sites opposite the intersection of Sunrise Boulevard.

*West of Belongil Fields:* Land between Melaleuca Drive and Belongil Fields is constrained by flooding in the south. The unconstrained part has an area of about 20ha. It is bisected by the Belongil Drainage Union drain which extends from the industrial estate southeast to Belongil Creek.

*South and south east of Belongil Fields:* This land is constrained by significant vegetation and flooding. Unconstrained land is contained within vegetated areas. Access and egress is restricted by property boundaries; this relevance of this issue is that a single access road is undesirable for fire control purposes and other emergency situations.

The NPWS has advised, through the Draft Key Habitats and Corridor Project that this land is within a regional wildlife corridor.

*West of Melaleuca Drive:* Land at the western end of Area 2 is constrained by regenerating heath vegetation, which has habitat value for a threatened species (Grass Owl). It is adjacent to an intensive poultry production and processing plant (Sunnybrand Chickens) which occasionally operates 24 hours a day, and generates odours, noise and traffic. There is no intervening topography or vegetation to ameliorate its impacts. Melaleuca Drive is several hundred metres to the east of this plant. There should be no residential development west of Melaleuca Drive.

Some of the issues with Sunnybrand Chickens may be mitigated when the plant connects to the West Byron Sewerage Treatment Plant, however other issues, principally noise, will remain.

In summary, there is a significant tract of unconstrained land south of Ewingsdale Road.

Residential densities of about 10 dwellings per hectare have been typical of recent subdivisions in Byron Bay and Suffolk Park. This density is not supported in Area 2 for the following reasons:

- Infrastructure, particularly road capacity, is not adequate to service the additional traffic volumes and there is no financial plan, or articulated community or political desire, to do the work.
- Community perceptions of the character of Byron Bay and resistance to growth.
- The population yield would not be sufficient to provide anything other than a dormitory suburb for Byron Bay.

Put simply, Byron Bay is not ready for residential development in Area 2.

*Outcome 40: No "greenfield" subdivision in Area 2. Some redevelopment of "Belongil Fields" to provide low-cost housing. Council to negotiate with state authorities and landowners regarding institutional developments (e.g. school, hospital) for unconstrained land. Area 2 to be zoned to appropriate rural zoning.*

### **3.3.4 Investigation Area 3**

This is a rural residential area west of Byron Bay centred on McGettigans Lane. Much of the Ewingsdale area has been subdivided to rural residential holdings under Byron Local Environmental Plan 1988. There is a non-government school, a few tourist facilities and B & B's, but there is no general store or other commercial or support services.

Area 3 includes land in the 1(d)(Investigation Zone) adjacent to Ewingsdale Road west of McGettigan's Lane, and land in the 1(c2)(Small Holdings Zone).

There are small patches of native vegetation

The land has physical capability for urban or village development but current community views, both in the locality and in the wider community, strongly oppose either of these. The community places a value on the rural landscape of the area. There are major road infrastructure constraints to development, particularly the capacity of Ewingsdale Road and other road systems in Byron Bay.

The Byron Rural Settlement Strategy 1998 has already identified sufficient land for rural residential purposes for several years to come. Additional rural residential land is therefore not required at this time, although a future review of the BRRS may identify continuing demand.

Land which has been zoned 1(c2)(Small Holdings (c2) Zone) since 1988 but has not yet been developed, despite quite high demand, is not authentically "available". If

landowners do not actively participate in the land release program the right to do so should be reallocated to those who will.

*Outcome 41: Rezone unsubdivided 1(c2)(Small Holdings Zone) and 1(d)(Investigation Zone) land to an appropriate rural zone, pending a structural review of the Byron Rural Settlement Strategy. Environmental protection zoning of remnant significant vegetation.*

### **3.3.5 Investigation Area 4**

Area 4 is located southwest of the existing rural residential area in the southern part of McGettigans Lane. It has been carried forward as an Investigation Area from the Residential Development Strategy of 1993. It was not included in the Byron Rural Settlement Strategy 1998 as a rural residential area.

As with Area 3, this land is not currently required for rural residential development and the community has strongly resisted urban or village development in this locality.

*Outcome 42: Rezone to a rural zone pending a structural review of the Byron Rural Settlement Strategy. Environmental protection zoning of remnant significant vegetation.*

## **3.4 Land deferred from the Byron Rural Settlement Strategy 1998**

This refers to an area of land south east of the McGettigans Lane area, along the foothills of the St. Helena escarpment. It was deferred from inclusion in the Byron Rural Settlement Strategy 1998 ("BRSS") for rural residential development due to its close proximity to Byron Bay and Suffolk Park and the possibility (at that time) that parts of Ewingsdale may be developed to higher densities.

The BRSS identified the land as being suitable for rural holiday cabin development.

There are constraints:

*Topography* – the footslopes are incised by a number of drainage lines flowing from the steep ridge to the south, producing a series of foothills which drain to floodprone land.

*Access* – the land has frontage to St Helena Road but the face of the ridge is quite steep. Skinner's Shoot Road is subject to flooding, which was one reason the Skinner's Shoot area was eliminated from the BRSS. Flood-free access is available from McGettigan's Lane. The local community is sensitive to additional traffic on McGettigan's Lane due to recent increases in traffic associated with the Steiner school.

*Wastewater disposal* – the site is approximately 2.5 kilometres from the reticulated sewer network. The possibility of on-site disposal or packaged treatment plant disposal requires further investigation.

The area may be suitable for clustered rural residential or eco-village development, or holiday cabin development.

*Outcome 43: Immediate potential for holiday cabin development in accordance with the Byron Rural Settlement Strategy 1998; rural residential or eco-village*

*development to be investigated in a future review of the Byron Rural Settlement Strategy 1998.*

## **4 SUPPLY AND DEMAND**

### **4.1 The Concept of Supply and Demand**

The future supply and demand dynamics of 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, and access to home loan finance generally;
- 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;
- the willingness and ability of landowners to rezone and subdivide land and release it onto the market;
- the willingness and ability of landowners to redevelop existing urban sites to higher densities; and
- the cost and availability of housing in other areas.

### **4.2 Supply Analysis**

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

- Identifying suitable land
- Rezoning
- Subdivision design
- Processing of development application and related approvals
- Preparation and approval of detailed engineering plans
- Subdivision works

Altogether this process can easily take five years. There are therefore different levels of “availability” of residential land. Once suitable land is identified, it is not necessary to provide for speculative demand by zoning land beyond reasonable requirements.

There are approximately 23 hectares of unsubdivided land remaining in the 2(a)(Residential Zone) at Suffolk Park. This zoned land is comprised of several land

parcels located west and south of the existing Baywood Chase and Byron Hills subdivisions, at the northern end of Armstrong Street, and adjacent to Broken Head Road north of the existing commercial area.

In Byron Bay, zoned land is limited to a few large residual allotments. The Sunrise Beach subdivision which provided Byron Bay with most of its recent residential growth is now completed.

Most subdivisible land parcels in the 2(a)(Residential Zone) do not benefit from a current development consent for subdivision. They will not be subdivided until sewerage treatment capacity is available in 2003.

Land currently zoned 2(a)(Residential Zone) is subject to environmental constraints, particularly significant vegetation, which may decrease the lot yield.

The foregoing comments refer to the supply of land zoned 2(a)(Residential Zone). This Strategy does not propose to rezone any further land for residential subdivision.

### 4.3 Demand Analysis

The following table summarises building approvals since the 1996 census:

	Byron Bay	Suffolk Park
Dwellings approved since 1996	458	250
Annual average	92	50

Some of these approvals were redevelopments on existing allotments and therefore did not consume any additional land.

At a rate of 12 dwellings per hectare, development is consuming about 12 hectares of land per year.

It can be assumed that there is pent-up demand for new subdivision areas due to the prevention of subdivision and other development under the sewerage "moratorium" which has operated since late 1997.

### 4.4 Balancing Supply and Demand

Given environmental and infrastructure constraints and in view of the community vision for Byron Bay, it is not possible to balance supply and demand through sustained land release.

At current rates of subdivision the available zoned land in Suffolk Park – approximately 23 hectares – will be consumed within five years of the sewerage infrastructure upgrade.

Available zoned land in Byron Bay at the Sunrise Beach subdivision is exhausted.

Future demand will be directed to residual vacant lots (of which there are approximately 200 in Byron Bay and Suffolk Park combined) and to redevelopment areas, mainly the town centre.

## 4.5 Population capacity

The 1997 GHD study revealed the following:

	Byron Bay	Suffolk Park
1996 census population	5,640	2,417
Number of Dwellings	2,357	969
People per Dwelling (occupancy rate)	2.39	2.49

Note: census data for Byron Bay includes Ewingsdale.

Estimated additional population capacity in Byron Bay and Suffolk Park is based on the following:

Development capacity within the existing zoned residential area – remaining subdivision capacity and dual occupancy and medium density development.	1,250
1(d)(Investigation Zone) Sites 1 to 11: most are unsuitable for additional residential development. Contingency for Site 2 and miscellaneous dwelling entitlements.	50
<p>Garden flats:</p> <p>Garden flats are proposed in the area identified for general dual occupancy, on lots between 600 and 800 m<sup>2</sup> (whereas dual occupancy will be permissible on lots over 800 m<sup>2</sup>). There are 210 lots between 600 and 800 m<sup>2</sup>. Some already have dual occupancy and have been discounted from this calculation.</p> <p>Garden flats are also proposed in the “character areas” on lots greater than 800 m<sup>2</sup>. 150 lots are eligible for garden flats.</p> <p>An occupancy of 2 persons per garden flat is assumed.</p>	<p>350</p> <p>300</p>
<p>3(a)(Business Zone):</p> <p>Residential development in the town centre will include tourist facilities, such as motels, hostels and serviced apartments, or permanent residential dwellings.</p> <p>Assuming maximum possible consolidation of lots, and an average density of one dwelling per 200 m<sup>2</sup> of site area, there is the potential for another 500 dwellings in the 3(a) zone.</p>	1,200
Area 1	Nil

Area 2:  Belongil Fields has the capacity to provide for a small manufactured home area. Otherwise no other subdivision or significant residential development is proposed in Area 2.	100
Area 3 and Area 4:  The Strategy does not propose urban development in Area 3, although in the long term there may be some additional population through rural residential development. This Strategy will therefore not yield additional population in Areas 3 and 4.	Nil
TOTAL	3,250

Notes:

- The above information is indicative only. Population estimates are derived from 1996 census data and subsequent building approvals, and are expressed in multiples of 50.
- Population estimates rely on certain assumptions, such as existing development standards and controls, calculation of potential developable land area, and average occupancy rates. These assumptions may not be borne out in reality due to, for example, more detailed assessment of development applications at a site specific level and changes in demographics.
- The population estimates shown above are not expected to be precise and should not be adhered to for the purpose of development control.
- At an anticipated 6% growth rate, this population may be reached within five years of anticipated sewerage infrastructure upgrade in 2003, that is, 2008.

The maximum theoretical population capacity of Byron Bay and Suffolk Park under this Strategy will be:

Estimated current population (total)	9,800
Estimated additional population potential	3,250
TOTAL	13,050

This assumes that all land will be fully developed to its maximum potential. This is unlikely as not all landowners have the intention or resources to maximise development opportunities.

## 5 IMPLEMENTATION

This Strategy will be implemented through a new Local Environmental Plan for the Shire and a new Development Control Plan for the Shire with specific Development Control Plans for Byron Bay, Suffolk Park and other areas as necessary.

The Local Environmental Plan 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 critical date in this process is the commissioning of new sewerage infrastructure, without which there can be no development connected to reticulated sewer. It is anticipated that the upgrading of the West Byron sewerage treatment plant will be completed in 2003. This will include the transfer of the load from the South Byron sewerage treatment plant.

### 5.1 Land Release Program and Staging of Development

This Strategy does not identify any land for new “greenfield” subdivisions, consequently no land release program is proposed.

Existing zoned areas will be developed in accordance with existing subdivision approvals and planning controls.

Redevelopment of land in the 3(a)(Business Zone) should be controlled or staged in precincts to ensure infrastructure capacity is not outstripped.

*Outcome 44: no land release program. Investigate staging program for development in 3(a)(Business Zone).*

### 5.2 Development Control Plans

There is no site-specific DCP for Byron Bay. The development control guidelines of Byron DCP No. 1 apply.

A Development Control Plan should be developed for Byron Bay and Suffolk Park. The DCP should 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.

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 mezzanine level in parts of the commercial area which will maintain the appearance of a 2 storey building
- A streetscape plan
- Setbacks to be applied to new development where existing developments are at minimal setbacks, such as Shirley Street
- Areas which contribute to the character of the town

- Energy efficiency. Residential development should be designed to minimise energy costs for heating and cooling. The NatHERS assessment and rating system is readily adaptable to Byron Council.

The DCP should also address known problem areas such as:

- Stormwater. The stormwater network of Byron Bay town centre is deficient. New development (redevelopment or extensions to existing development) must not exacerbate the problem. On-site detention is not necessarily an appropriate solution, due to the characteristics of catchment hydrology which may mean that additional stormwater is released from detention tanks when stormwater is entering the catchment from outside the town centre. The simplest solution is to stipulate no increase in hard surface area.
- Transport. On-site residential carparking is, and should remain, mandatory. All commercial development further than 400m from a Council-owned carpark should provide all parking on site.

The other Development Control Plan which applies to the Settlement Strategy study area is DCP No. 9 Suffolk Park, much of which is now redundant. The relevant provisions of DCP No. 9 should be incorporated in a new Development Control Plan applying to all of Byron Bay and Suffolk Park, and DCP No. 9 itself should then be revoked.

### **5.3 Local Environmental Plan**

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. The traditional zoning system may not be capable of delivering the detailed outcomes of this Strategy.

The development control system should:

- allow for concessions to developers (including the Department of Housing) as an incentive to provide affordable housing;
- prohibit incompatible forms of development (e.g. large bed and breakfast establishments in single-dwelling residential areas); and
- provide clear objectives for development standards and guidelines for acceptable variations.

Council has resolved to commence a new Shire-wide Local Environmental Plan. It is conceivable that that Plan may provide an integrated package of planning controls instead of the current tiered system of LEP and DCP.

### **5.4 Development consent and complying development**

Consent for development may be obtained by lodging a development application with Council. However not all forms of development require development consent. For example single detached 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 accredited (or “private”) certifiers.

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

*Outcome 45: immediate implementation of this Strategy in statutory documents and planning controls.*

## **6 MONITORING and REVIEW**

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

The impact and effectiveness of new forms of development, such as garden flats and dual use residential development should be monitored and reviewed after approximately three years.

This Strategy should be reviewed after approximately five years. Growth rates may not be as predicted, and there may be new developments by the State government near or in Byron Bay and Suffolk Park and in the region. The availability of residential land, and the rate and form of Byron Bay town centre redevelopments should be monitored and reassessed.

Planning controls should be reviewed if the outcomes of this Strategy are not being delivered.

## APPENDIX 1

### METHODOLOGY

#### Ecological and Physical Environment:

Current Australian planning and resource management literature often refers to the term “ecologically sustainable development” (ESD). Globally it is more often referred to as “sustainable development.” *Sustainability* basically aims to ensure that all aspects of development support a high quality environment which safeguards the integrity of our natural resources and quality of life for current and future generations.

The notion of sustainability places the responsibility on society as a whole to make choices about how we live today, the quality of life future generations will lead and how environmental integrity will be maintained in perpetuity. Sustainability also recognises that our economy, our ecology and our people are interdependent and therefore equally important and valuable. This means we should not improve one aspect if it is at the expense of another. Hence, there is an implicit need to ensure full consideration of ecological, social and economic objectives. Such considerations within each community provide the local pathway to sustainability. It is known as that community’s Local Agenda 21 response to the global community’s pledge made in Rio de Janeiro, Brazil in 1992.

Local government has a responsibility to involve the community in setting the common vision and means of implementing sustainability initiatives. The concept of sustainability recognises the need for equitable strategies and policies which incorporate the community’s values and beliefs. In addition, while policy directives are typically set at the national and State levels, the implementation of such directives ultimately fall upon local government. At the same time, the development of new ideas together with the decision-making process required to put such ideas into practice often begins at the local community level. Many sustainability initiatives often become established first at the local community level, well in advance of gaining acceptance at the regional, State, national and global level. Therefore, the initiation and implementation of sustainability initiatives at the local level is a prerequisite to achieving sustainability on a global level.

Sustainability within the context of ‘urban settlement’ means providing a range of residential options which are in harmony with the social and economic opportunities and the unique ecological, natural, social and cultural values of the Shire. The Strategy seeks to achieve this goal by reconciling human economic and social needs with the long term capacity of the environment to meet those needs.

Past forms of urban settlement have had a range of adverse impacts on the natural environment including:

- fringe effects – adverse environmental impacts on natural areas by intrusive human behaviour and domestic pets;
- domestic pets killing native fauna;
- local extinctions and threats to native species, populations and communities;
- habitat clearing and degradation;
- habitat fragmentation, isolation and edge effects;
- increased weed / exotic plant invasion;
- changes to drainage patterns; and

- loss of scenic qualities.

Many of these impacts could have been avoided had an initial investigation of the natural and physical attributes of the landscape been undertaken with the aim of identifying areas where urban settlement clearly cannot occur. It is important that both the direct and indirect impacts of land use planning decisions are understood at the catchment level before such decisions are acted upon. This initially requires a broad understanding of the relevant physical and natural attributes influencing each catchment's settlement potential.

The ongoing loss of biodiversity is perhaps our most serious environmental problem. Habitat modification - especially the removal of native vegetation for agriculture, urban development and until recently forestry - has been and remains, the most significant cause of the loss of biodiversity. Biodiversity loss, in turn, reduces the chance of survival of threatened species, populations and ecological communities. In addition to biodiversity loss, inappropriate development in and adjacent to areas identified as koala habitat continues to place increasing pressure on the existing koala population. These pressures include further losses of habitat, increased road kills and predation by dogs.

If we are to reverse the trend of ecological decline, it is essential that important vegetation communities, rainforest remnants, coastal wetlands, wildlife habitat, wildlife corridors and links between vegetation remnants are protected and not further diminished by further settlement. Consequently, any future settlement should assist in the repair and enhancement of the Shire's ecological values.

The Strategy considers the following matters to be constraints to development:

**Significant native vegetation areas:**

Significant vegetation is identified in the Byron Shire-wide Flora and Fauna Study 1998. The Flora and Fauna Study is based on large scale information which requires ground truthing at the scale of individual sites. It is appropriate to undertake ground truthing at the stage of preparing Local Environmental Plans for individual sites.

**Floodprone land:**

Council has not adopted floodplain management plans in accordance with the NSW Floodplain Management Manual (1986). Until such time as plans are adopted for catchments in the Byron Bay and Suffolk Park study area, the Settlement Strategy recommends that there be no intensification of development on floodprone land. In this context, "development" means buildings or works which involve filling of land or other modification of catchment hydrology which may impact on flooding behaviour. The presence of floodprone land should not preclude benign forms of land use such as sporting fields, car parking, open space or camping grounds. These outcomes are consistent with Clause 45A of the North Coast Regional Environmental Plan.

Byron Bay town centre has a well-known problem with flooding, often at the 1-in-1 year event, which has resulted in damage to shops and cars. The existing stormwater drainage network surcharges easily and does not have the capacity to cope with additional volumes or intensification of floodwater flows.

In response, Council adopted the Byron Bay Stormwater Strategic Plan on 22<sup>nd</sup> December 1998. That plan makes the following recommendations:

1. *Upgrade the stormwater pipelines and acquire the necessary easements for overland escape routes in the Byron Street catchment as per the works program.*
2. *Include the diversion of the Clarkes beach pipeline to the Byron Street catchment in the upgrading works.*
3. *Engage Dr Stuart White to undertaken the required modelling of rainwater tanks on residential allotments in the Cowper Street catchment to determine the optimum size of tank required for non-potable reuse in combination with reduction in peak stormwater flows; and determine the preferred option for stormwater upgrading in this catchment.*
4. *Investigate availability of options for funding.*

The Stormwater Strategy estimates the total cost of upgrading works at \$2,000,000. Stage 1 works in the Byron Street catchment are estimated at \$890,000, including upgrading the railway culvert (\$500,000).

**High risk (Class 1 and 2) potential acid sulfate soils:**

Low risk (Class 3) potential acid sulfate soils are subject to management measures in accordance with procedures adopted in State government guidelines.

**Slopes in excess of 20%:**

Slope is a significant factor influencing bushfire risk and soil erosion. Steep slopes also result in increased earthworks and engineering costs for road construction, servicing and house construction and have been excluded from the Strategy.

**Prime agricultural land:**

Council relies on information from the NSW Agriculture in classifying prime agricultural land. This is similar, but not synonymous with, the 1(b1) and 1(b2)(Agricultural Protection Zones) under Byron Local Environmental Plan 1988. Both "prime agricultural land" and 1(b1) and 1(b2)(Agricultural Protection Zones) are considered constraints to residential development.

**Unremediated cattle tick dip sites:**

Remediation of contaminated land is subject to guidelines flowing from State Environmental Planning Policy No. 55 (Contaminated Land). A dip site, being subject to remediation measures, is therefore not an insurmountable constraint.

**Buffers to potentially conflicting development:**

This refers to development which may generate conflict with residential land use, such as sewerage treatment plants, quarries, intensive animal establishments and intensive horticulture.

### **Visual impact:**

Inappropriately located urban settlement can ultimately destroy the scenic amenity of an area which attracted residents in the first place. Preserving the dominant landscape features or scenic characteristics of an area is fundamental to ensuring that the visual qualities of the Shire, such as bushland, creeks, views and view corridors are not further diminished. The Settlement Strategy recommends substantial vegetative buffers between road systems and new development areas. Character statements are to be developed for the Kingsley Street and Burns Street areas. These statements should also identify the visual catchment and view corridors which characterise those areas.

### **The capacity of the road network:**

This relates not only to the main roads but also to the streets. Several sections of main streets in Byron Bay are carrying traffic volumes above the level conducive to pedestrian amenity and this will remain the case under any future development scenario. Pedestrian amenity is a strong factor in the character of Byron Bay. Pedestrian amenity has however declined with increasing traffic volumes in the Byron Bay town centre area. Council can raise the level of pedestrian amenity by exercising some control through traffic and pedestrian management planning, a generally restrictive approach to traffic generating development, and through landscaping, street lighting and building design controls.

Past practice in Byron Shire has almost universally attributed traffic generation to commercial attractors and increasing numbers of car-dependant day tourists rather than residential development.

Council's control of the vehicular traffic and pedestrian mix situation in Byron Bay will be further weakened by forecast significant increases in car-dependant tourist traffic, particularly day trippers, in the short to medium term.

The development of a Byron Bay town centre bypass is an essential prerequisite to further residential and/or tourist development of Areas 1, 2, 3 and 4.

### **The availability of public parking:**

Traffic consultant Veitch Lister Consulting has identified the need for an additional 500 car spaces at current growth rates. Members of the Settlement Strategy Consultative Committee undertook an audit of existing parking compared with commercial floor space and identified a current deficiency in excess of 300 parking spaces. It is not possible to recoup this shortfall from Section 94 contributions. The parking space deficiency will need to be met from parking fees or from other sources in Council's General Fund.

### **The capacity of existing service infrastructure:**

This refers to sewerage treatment plant capacity and stormwater disposal systems. The capability of infrastructure is not insurmountable as it can be addressed over time by allocation of resources. The Settlement Strategy considers the development potential of land subject to infrastructure constraints being addressed. The Settlement Strategy notes where infrastructure capacity is a constraint to significant residential development, and indicates that such development should not proceed

whilst those constraints remain OR should only be completed in parallel with their removal in an integrated response.

### **Economic Environment**

The economic factors of most relevance to urban settlement are:

- buffers to agricultural lands and activities;
- bushfire hazard in terms of protection to human settlement;
- extractive natural resource industries; and
- the cost of infrastructure upgrades.

The first three of these impose constraints on the location of residential development.

### **Services and Infrastructure:**

Any future urban settlement is likely to require improvements to roads and basic services used by prospective residents of these areas. This not only has economic implications for those localities where settlement occurs, but also for the wider community. As such, servicing and infrastructure considerations must be investigated in terms of their Shire wide economic sustainability. The servicing/infrastructure categories most likely to be affected by future urban settlement are as follows:

- roads: Council has commenced a traffic and parking study to address current and anticipated demands.
- sewerage treatment: existing sewerage treatment plant is operating beyond capacity. Council has made substantial progress in designing the necessary upgrade and an ancillary effluent re-use scheme using wetlands. An EIS has been exhibited. The capacity of the upgrade will cater for sewage generated by the additional population anticipated in this Strategy.
- water supply: water for Byron Bay and Suffolk Park is provided to Council by Rous Water. The Water Management Act 2000 seeks to maintain environmental flows in streams. This may require infrastructure upgrades, the cost of which will be passed on to consumers.
- school bus services: providers will be informed of the outcomes of this Strategy.
- electricity: providers will be informed of the outcomes of this Strategy.
- telecommunications: providers will be informed of the outcomes of this Strategy.
- high schools: this Strategy recommends continued dialogue with state authorities to plan for demands.
- primary schools: this Strategy recommends continued dialogue with state authorities to plan for demands.

- hospitals: the Northern Rivers Area Health Service is currently investigating the development of a sub-regional hospital to replace Byron Bay and Mullumbimby hospitals.

The future development of Byron Bay and Suffolk Park will occur within land already zoned 2(a)(Residential Zone). It is assumed that service providers will have taken population capacities into account in their planning.

## Methodology for Assessing Residential Land Supply

A summary of the methodology is given below.

### *Ecological/Physical Land Capability Assessment*

Individual constraints were identified, mapped and integrated into a final composite maps, using a Geographic Information System (GIS) and Arc/Info<sup>®</sup> software. A final composite map was produced showing all potential residential land in Byron Bay and Suffolk Park based on the Ecological/Physical Land Capability Assessment. Data sources are detailed below:

GIS data layer	Data Source / Custodian	Scale	Comments
State Environmental Planning Policy No. 14 Coastal Wetlands	Department of Urban Affairs and Planning	1:25,000	This data layer accurately reflects the coastal wetland boundary as delineated in State Environmental Planning Policy No. 14 - Coastal Wetlands
State Environmental Planning Policy No. 26 Littoral Rainforests	Department of Urban Affairs and Planning	1:25,000	This data layer accurately reflects the littoral rainforest boundary as delineated in SEPP No. 26 - Littoral Rainforests.
Vegetation Cover	National Parks and Wildlife Service	1:100,000	For purposes of Shire-wide planning this data layer is reasonable. It provides mapping from Landsat for rainforest, moist open forest, dry open forest and coastal sclerophyll complex. This data layer is at a broad regional scale and will be updated as a result of the vegetation mapping component of the Byron Shire Flora and Fauna Study. This was, in part, incorporated during the assessment of public submissions. Formal incorporation will occur at the first annual review. The mapping from the Flora and Fauna Study more accurately reflects the vegetation of the Shire and is at 1:25,000 using aerial photography.
Slope Constraints	Byron Shire Council	1:10,000	This data layer accurately reflects lands with slope greater than 20% (or 11.3 degrees).
Flood Prone Lands	Byron Shire Council	1:25,000	This data layer requires updating as a result of any recent flood mapping.
Bushfire Hazards	Byron Shire Council	1:25,000	This data layer is reasonably accurate for Shire-wide mapping.
Acid Sulfate Soils	Department of Land and Water Conservation	1:25,000	This data layer is reasonably accurate & includes High Probability class soils.
Prime Agricultural Lands	NSW Agriculture	1:25,000	This data layer provides for Class 1, 2 and 3 agricultural mapping. New prime agricultural land mapping will be incorporated at the first annual review.

<b>GIS data layer</b>	<b>Data Source / Custodian</b>	<b>Scale</b>	<b>Comments</b>
Areas of Proved Natural Resource Significance	Department of Mineral Resources	1:25,000	This data layer accurately reflects the significant mine and quarry operations as identified by NSW Mineral Resources.
Contaminated Soils - Dip Sites	Environment Protection Authority	1:25,000	This data layer accurately locates the dip sites and provides a 200m buffer around these.
Land dedicated, reserved or committed to potential future urban, village, open space uses			This data layer accurately reflects the current committed land for urban village, open space and special uses as it includes such lands zoned in the Byron LEP 1988.
State Forests, National Parks and Environmental Protection Zones	Byron Shire Council	1:25,000	This data layer accurately reflects the boundaries of State Forests. The boundary of National Parks/Nature Reserves requires updating to include the recently gazetted areas. The environmental protection zones are in accordance with Byron LEP 1988.
Garbage depots, Sewage Treatment Works and Quarries.	Byron Shire Council	1:25,000	This data layer accurately reflects the garbage depots and 500m buffer, together with the Sewage Treatment Works and 400m buffer. Also included are quarries and a 1,000m buffer on lands zoned 1(e)(Extractive Resources).
Flora and Fauna Study	Byron Shire Council	1:25000	This data layer was created from aerial photography interpretation, and reflects vegetation regimes at a Shire-wide level.

### *Economic/Service/Infrastructure Capability Assessment*

Infrastructure and servicing constraints were identified and have been incorporated into the Settlement Strategy. Some of these constraints are prerequisites to significant development.

### *Community Consultation and Social Capacity Assessment*

The Settlement Strategy has been undertaken with guidance from a community-based Consultative Committee, made up of representatives from different areas and community organisations.

In addition, community consultation has been undertaken during the public exhibition of the Draft Settlement Strategies of 1999 and 2001. This is detailed in an attachment to this report entitled 'Analysis of Public Submissions'.

Feedback has also been provided through other processes and Committees, such as the Affordable Housing Strategy Steering Committee, Belongil Estuary Management Committee, and Coastline Management Committee.

## APPENDIX 2

### Glossary of terms

“Arakwal Agreement” means the agreement between the Arakwal Aboriginal Corporation and Byron Shire Council as to the use of lands which are subject to Native Title claims.

"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 300m<sup>2</sup> (excluding separate garages, sheds or the like) in which not more than 12 persons would be accommodated. *This is the existing definition adopted under Byron Local Environmental Plan 1988.*

It is proposed that this definition of “bed and breakfast establishment” be split into 3 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 m<sup>2</sup> and 12 persons is based on 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 three proposed definitions are:

“bed and breakfast establishment (small)” means a dwelling-house which provides temporary home-style or farm-stay accommodation for the short-term traveller and contains no more than 1 bedroom for accommodation.

“bed and breakfast establishment (medium)” means a dwelling-house which provides temporary home-style or farm-stay accommodation for the short-term traveller and contains no more than 3 bedrooms for accommodation.

“bed and breakfast establishment (large)” 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 300m<sup>2</sup> (excluding separate garages, sheds or the like) in which not more than 12 persons would be accommodated.

"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 Byron Local Environmental Plan 1988.*

"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 Byron Local Environmental Plan 1988.*

"dwelling-house" means a building or buildings containing one but not more than one dwelling. *This is the existing definition adopted under Byron Local Environmental Plan 1988.*

“dual occupancy” means a building containing 2 dwellings or the erection of 2 dwelling-houses on an allotment of land. *This is a new definition. It is based on the development control provisions of Byron Local Environmental Plan 1988.*

“dual purpose dwelling” means a residential dwelling, whether used for permanent or temporary residential accommodation. *This is a new definition. It is proposed to not differentiate between tourist and permanent residential uses of dwellings in some areas.*

“floodplain management plan” means a plan prepared under the NSW Floodplain Development Manual, 1986.

“floodprone land” means land identified by Council as being floodprone at the 1 in 100 year level.

“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, whether physically attached to or detached from such 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.*

“Greenprint for a Sustainable Future” means Byron Shire Council’s response to its global responsibilities arising from the 1992 international 'Rio Earth Summit' to develop a 'Local Agenda 21' program whereby local communities establish a shared vision and approach to becoming more sustainable. The Greenprint also provides a framework for Council to meet its obligations under the National Strategy for Ecologically Sustainable Development (1992), the Local Government Act 1993 and the Local Government Amendment (Ecologically Sustainable Development) Act 1997.

"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 Byron Local Environmental Plan 1988. The definition of “holiday cabin” adopted under the Byron Rural Settlement Strategy 1998 is:*

*“A holiday cabin is a free-standing building of not more than 60m<sup>2</sup> in gross floor area, excluding balconies, containing a room or suite of rooms including a maximum of two (2) bedrooms and one (1) bathroom, a kitchenette, and is intended to be used solely for the provision of temporary tourist accommodation only.”*

"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 Byron Local Environmental Plan 1988.*

“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.

“medium density development” means a residential development of 3 or more dwellings, whether physically attached or otherwise. *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 Byron Local Environmental Plan 1988.*

“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 Byron Local Environmental Plan 1988.*

"residential flat building" means a building which contains 3 or more dwellings. *This is the existing definition adopted under Byron Local Environmental Plan 1988. Refer also to “medium density 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 Byron Local Environmental Plan 1988.*

“significant development” in the context of this Strategy means development other than exempt or complying development or single dwellings on existing or approved subdivision allotments. It refers to greenfields subdivisions or an accumulation of developments which may accrue through zoning provisions which may measurably increase traffic or other loadings on infrastructure.

“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 Byron Local Environmental Plan 1988.*

"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 Byron Local Environmental Plan 1988.*

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

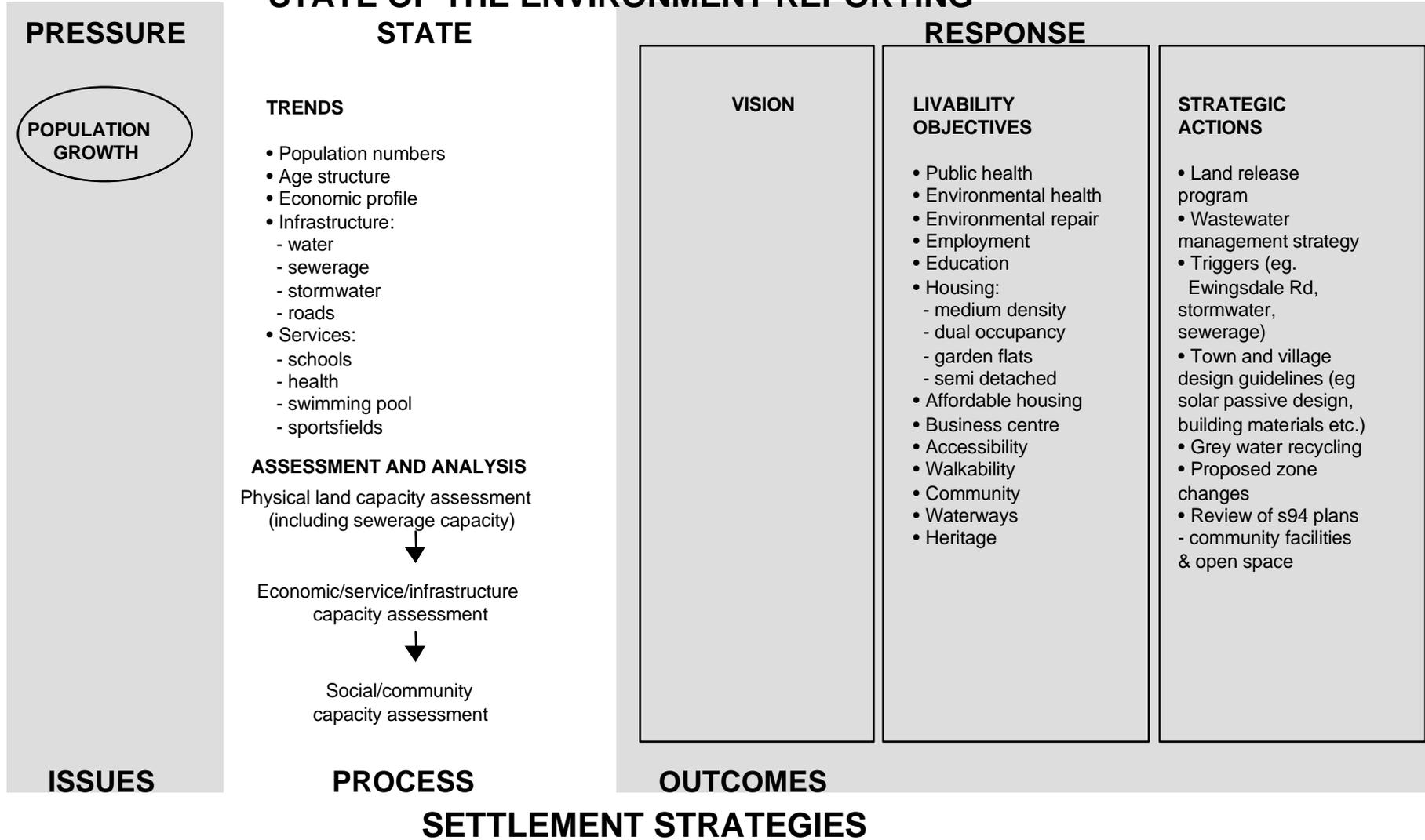
## **APPENDIX 3**

### **Byron Bay CBD Stormwater Management Plan Diagram**



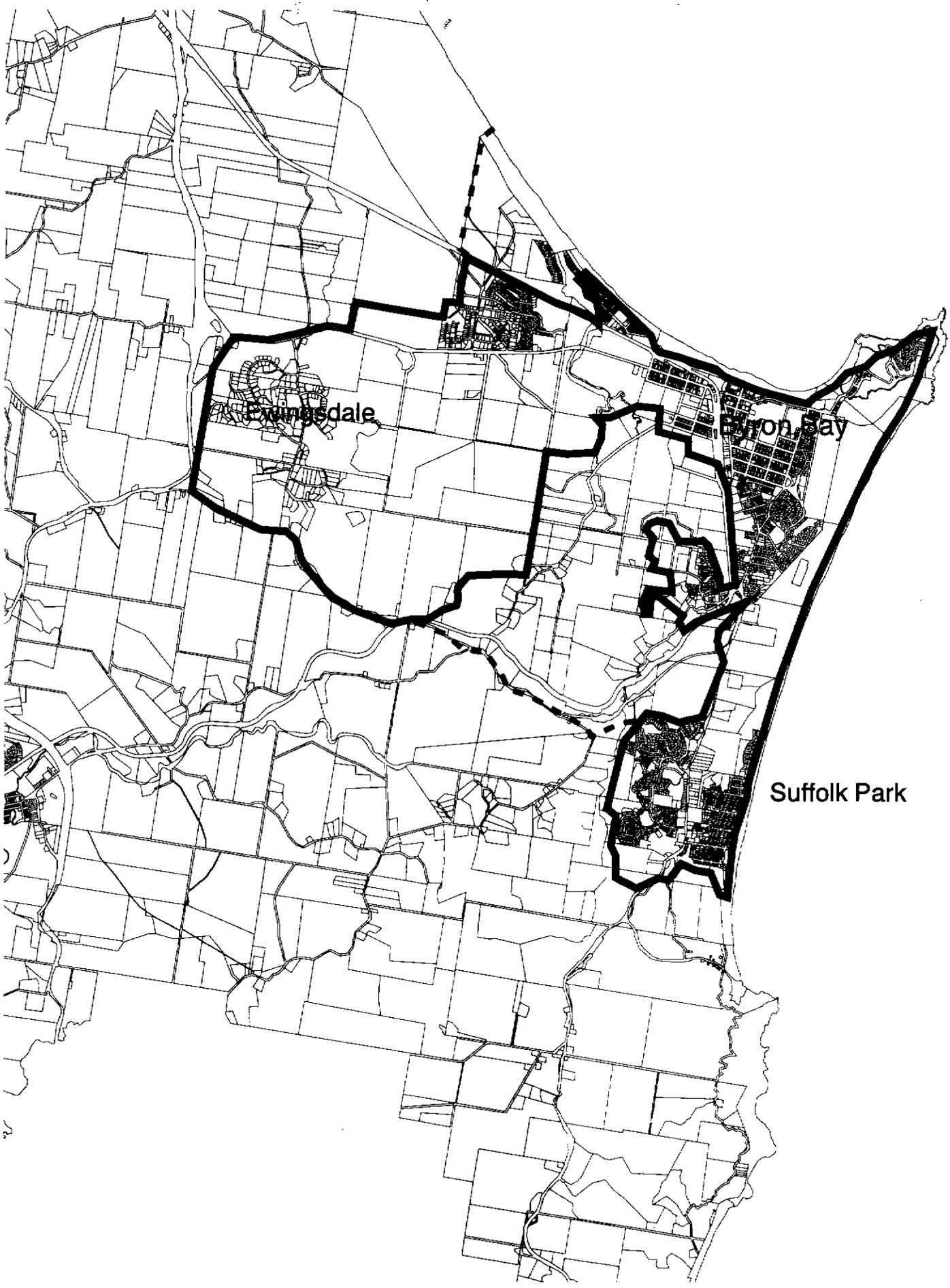
APPENDIX '4'

STATE OF THE ENVIRONMENT REPORTING



**APPENDIX 5**

**Maps 1 to 11**



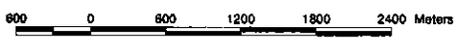
**LEGEND**  
 □ Property Boundaries



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**BYRON BAY and SUFFOLK PARK SETTLEMENT STRATEGY** **Map 1**

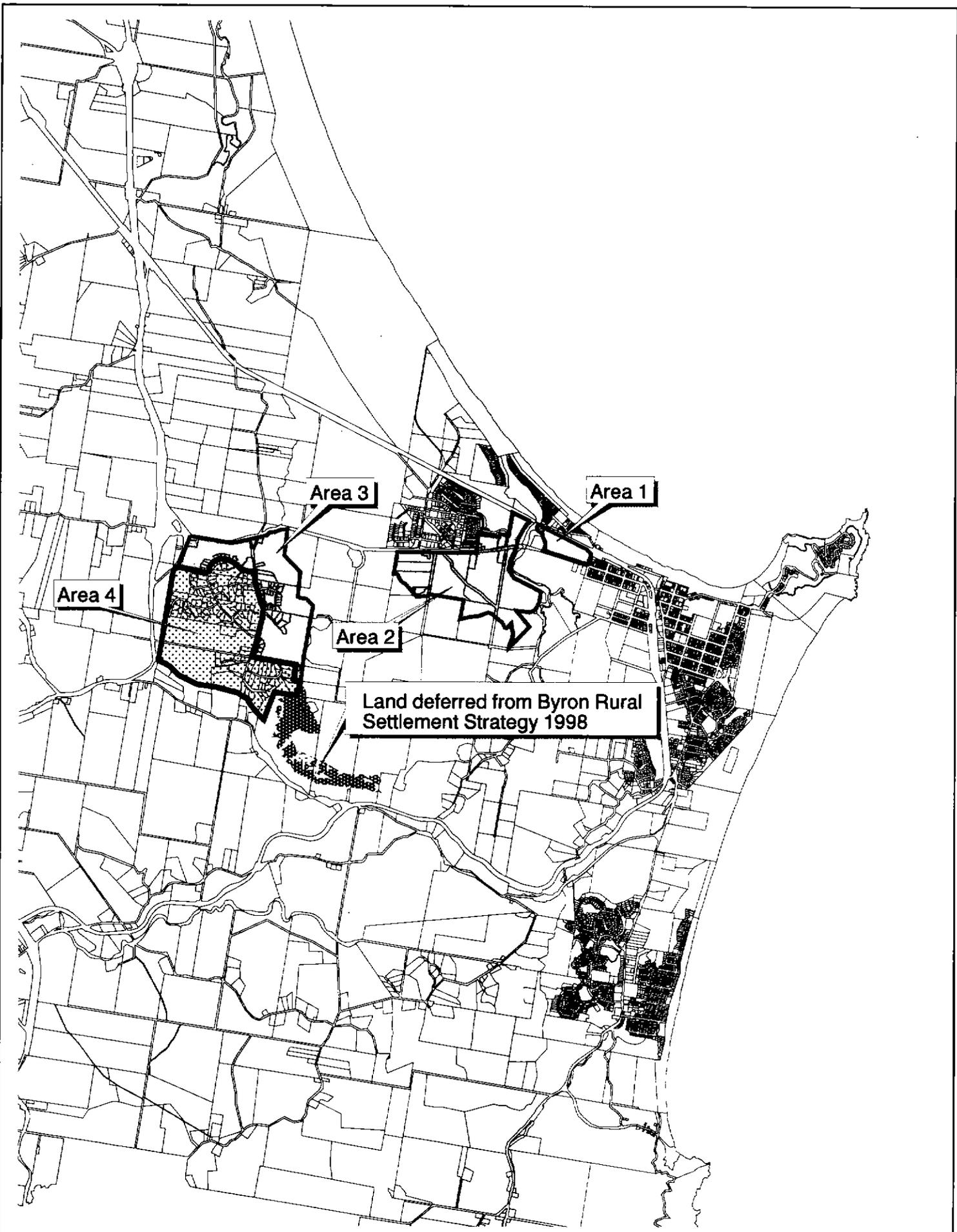
**Study Area**



1:60000



January 2002



**LEGEND**  
 □ Property Boundaries



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BYRON BAY and SUFFOLK PARK SETTLEMENT STRATEGY

Map 2

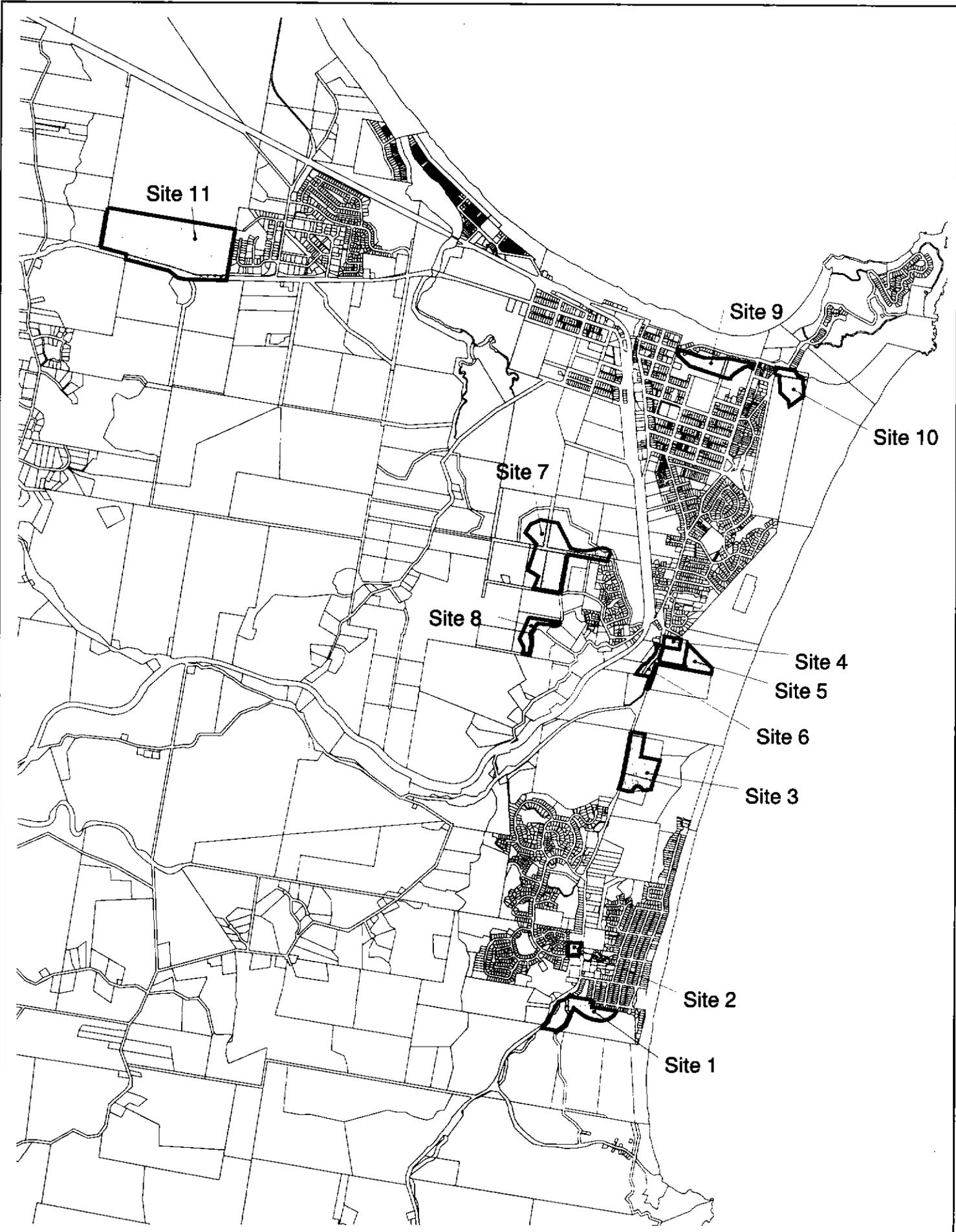
**Areas 1,2,3,4 and land deferred from Byron Rural Settlement Strategy 1998**

0 600 1200 1800 2400 Meters

1:60000



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**LEGEND**  
 □ Property Boundaries



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BYRON BAY and SUFFOLK PARK SETTLEMENT STRATEGY

Map 3

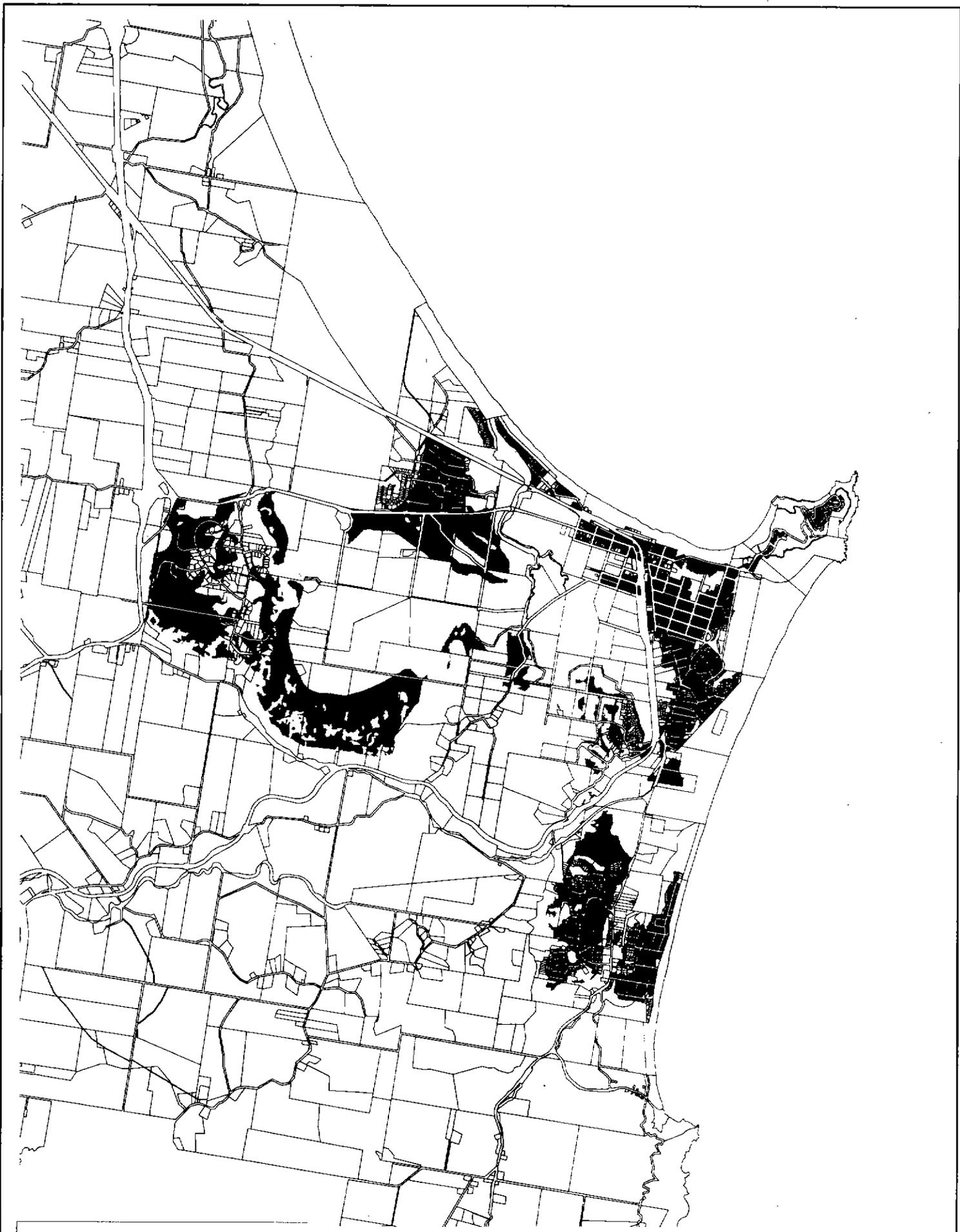
1(d) Investigation Zone sites



400 0 400 800 1200 1800 Meters

1:40000

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**LEGEND**

-  Property Boundaries
-  Physically unconstrained land

BYRON BAY and SUFFOLK PARK SETTLEMENT STRATEGY

Map 4

**Physically unconstrained land**



0 600 1200 1800 2400 Meters

1:60000

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**LEGEND**

-  Property Boundaries
-  Medium density (business zone)
-  Medium density (residential)
-  Dual occupancy
-  Single Dwellings

BYRON BAY and SUFFOLK PARK SETTLEMENT STRATEGY

Map 5

**Residential Densities - Byron Bay**



1:20000

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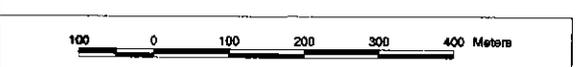
**LEGEND**

-  Property Boundaries
-  Medium density (business zone)
-  Single Dwellings

BYRON BAY and SUFFOLK PARK SETTLEMENT STRATEGY Map 6

**Residential densities - Suffolk Park** 

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1:10000 January 2002



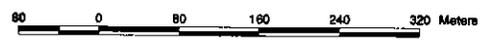
**LEGEND**

-  Property Boundaries
-  Medium density (business zone)
-  Medium density (residential)
-  Dual occupancy
-  Single Dwellings

BYRON BAY and SUFFOLK PARK SETTLEMENT STRATEGY

Map 7

**Residential Densities - Sunrise Beach**



1:7500

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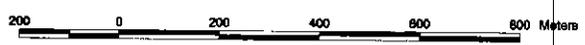
**LEGEND**

-  Property Boundaries
-  Garden flats

**BYRON BAY and SUFFOLK PARK SETTLEMENT STRATEGY**

**Map 8**

**Garden flats**



1:15000

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**LEGEND**

-  Property Boundaries
  -  B & B's - up to 3 guest rooms
  -  B & B's - up to 5 guest rooms
- One guest room permissible in all other areas except Wategos Beach

BYRON BAY and SUFFOLK PARK SETTLEMENT STRATEGY

Map 9

**Bed and Breakfast Establishments - size classes**

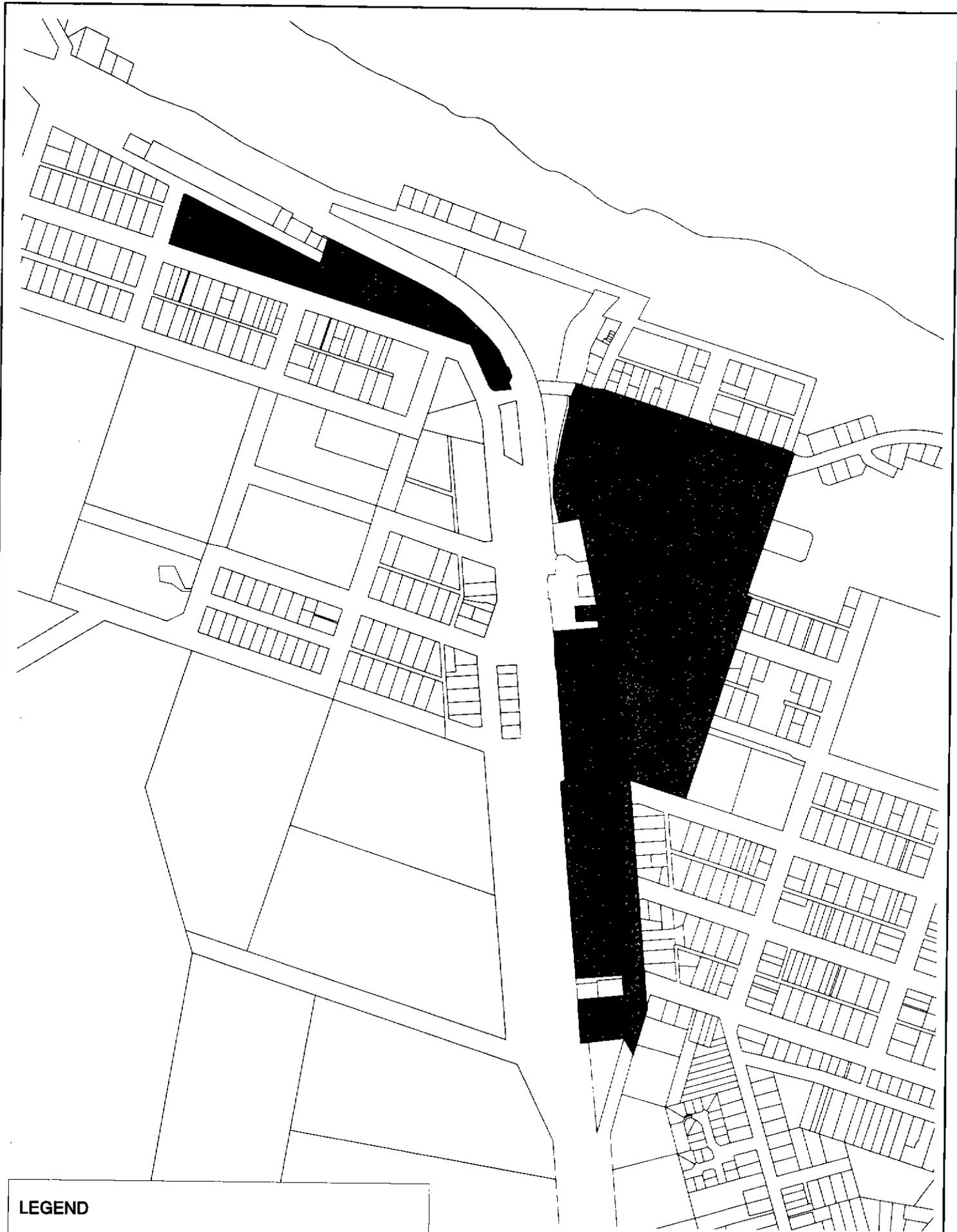


1:10000

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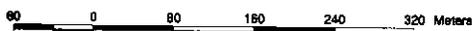
**LEGEND**

-  Property Boundaries
-  Hostels
-  Motels

**BYRON BAY and SUFFOLK PARK SETTLEMENT STRATEGY**

**Map 10**

**Motels and Hostels**

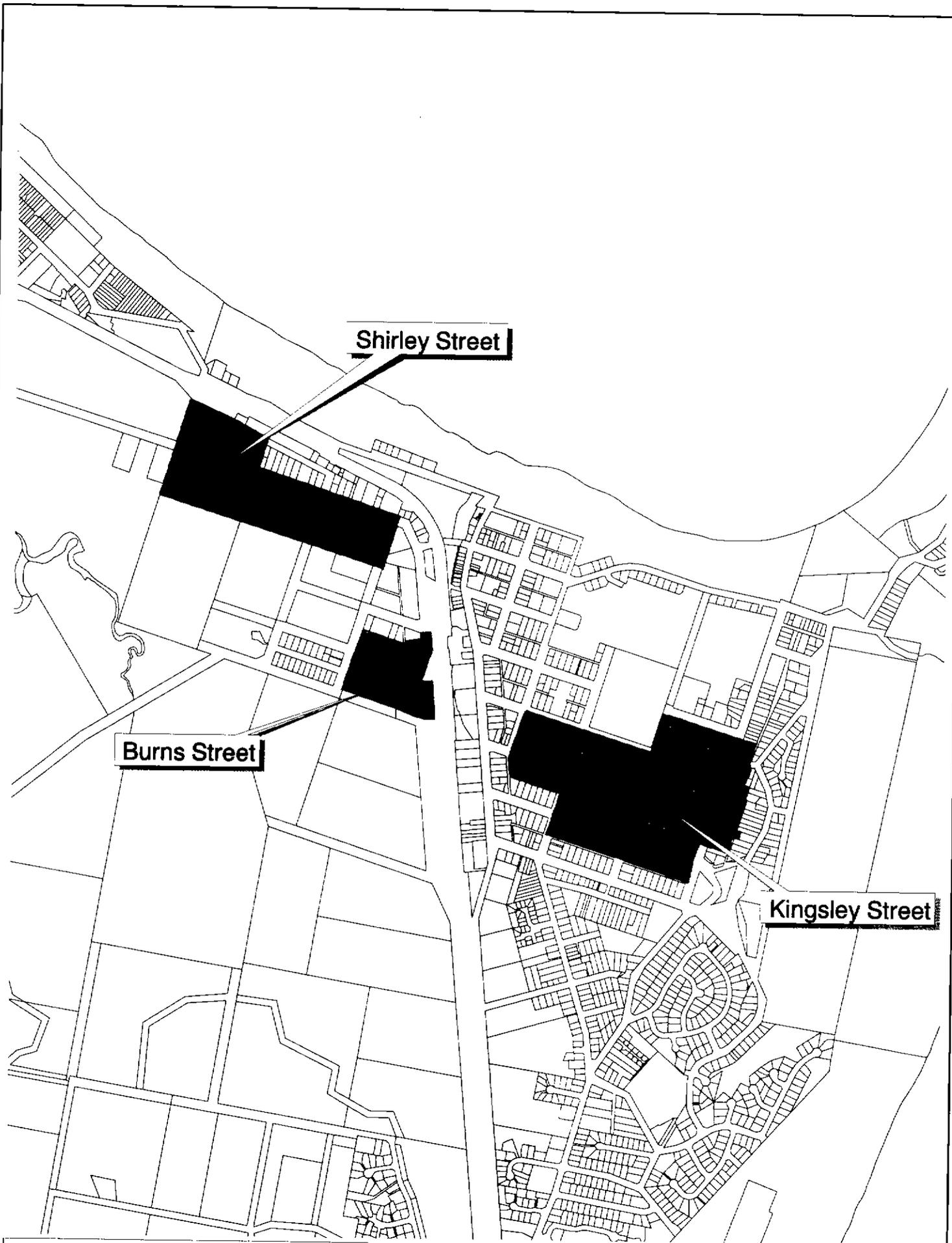


1:7500

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**Shirley Street**

**Burns Street**

**Kingsley Street**

**LEGEND**

-  Property boundaries
-  Character Areas



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**BYRON BAY and SUFFOLK PARK SETTLEMENT STRATEGY**

**Map 11**

**Character areas**



**1:15000**

**January 2002**