



Byron Shire

Development Control Plan 2014

Chapter E10

Byron Bay Town Centre



TRADITIONAL HOME OF
THE BUNDJALUNG PEOPLE

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Document History

Doc No.	Date Amended	Details (e.g. Resolution No.)
#E2018/61130	19 July 2018	Draft (WORD Version)
#E2019/47442	September 2019	Draft – Public Exhibition Version
#E2019/91843	November 2020	Draft Post exhibition Version 2 reported to Council 14 December 2020
#E2019/91843	March 2021	Res 20-681 – March 2021 Public Exhibition version
E2021/56492	April 2021	Version for adoption reported to Council 13 May 2021
E2021/56492	August 2021	Res 21 – 187 Adopted 13 May 2021 Effective 25 August 2021 on finalisation of Amendment 27 published NSW legislation website 20/8/2021 (26.2017.6.1)

Vision and Place Principles

The Vision of the Byron Bay Town Centre Masterplan is:

Connect the Centre of Byron Bay with the Spirit of its community.

The Place Principles developed for the Masterplan are:

- a pedestrian prioritised Byron Bay that supports and integrates alternate modes of transport
- a legible network of streets and spaces that link seamlessly to Byron Bay's parks, foreshore and open spaces
- an environmentally resilient and sustainable Byron Bay that respects its natural setting and rich biodiversity
- an eclectic community vibe and the town centre as a canvas for creativity
- a multi-functional economy that supports local businesses, local living and local development opportunities for the betterment of the town centre
- an eclectic village character preserved through increased density and high quality design

E10.1 Introduction

E10.1.1 Aims of this Chapter

This Chapter has been prepared to complement the provisions of Byron Local Environmental Plan 2014 as they relate to the Byron Bay Town Centre. The provisions of this chapter are intended to facilitate development that will:

- implement the visions, principles and strategies of the Byron Bay Town Centre Masterplan;
- contribute to the growth and character of the Byron Bay Town Centre; and
- protect and enhance the public domain.

The Chapter has been prepared in accordance with Part 3 Division 3.6 of the Environmental Planning and Assessment Act 1979 and Part 3 of the Environmental Planning and Assessment Regulation 2000.

The relevant provisions of this Chapter are to be taken into consideration in determining an application for development in the Byron Bay Town Centre.

E10.1.2 Application of this Chapter

This Chapter applies to development within the Byron Bay Town Centre, on land zoned B2 Local Centre, as shown in Figure E10.1.

The provisions of other Chapters of this DCP also apply to development to which this Chapter applies. However, in the event of any inconsistency between this Chapter and other Chapters, the provisions of this Chapter shall prevail.



Figure E10.1 Byron Bay Town Centre, Land to which this DCP applies

E10.2 General Provisions

E10.2.1 Uses

Land within the Town Centre generally consists of a mix of small scale **shops** and **commercial premises** at street level, with residential **dwellings**, office or tourist accommodation on upper levels.

Centres with continuous ground level retail frontage offer the benefits of safety, commercial activity and street life. Incorporating housing on the upper levels can also make a significant contribution to the local character, provide street surveillance and contribute to night time activity in the centre.

Objectives

1. To maintain continuous retail or commercial uses at street level.
2. To promote a mix of residential and non-residential land uses on upper levels that help to preserve the commercial viability of the Town Centre.
3. To preserve the small **shop** character of the Town Centre.

Performance Criteria

1. At ground floor, the building is designed for retail or other active uses on the primary street frontage.
2. Residential uses on the ground floor are limited to areas providing access to the residential uses above. These access areas must not compromise active street frontages, or the commercial viability of the ground floor areas that provides the active street frontage.
3. Tourist accommodation uses on the ground floor are limited to areas providing access and reception services for the accommodation above.
4. At the first floor, the building is designed flexibly, to accommodate commercial, residential or tourist accommodation uses.
5. At the second floor, the building is designed to accommodate residential or tourist accommodation uses.
6. The commercial frontage at street level for individual commercial and retail units matches the traditional fine-grained subdivision pattern.

Prescriptive Measures

1. Commercial and **retail premises** less than 200m² have a depth to width ratio between 1:1 and 3:1.

E10.2.2 Character

Streetscape quality helps to provide local amenity and identity. Good quality street environments are particularly important in town centres where the community gathers and interacts.

Objectives

1. To ensure that development contributes to active and desirable pedestrian environments within the Town Centre.
2. To create an active interface between ground level retail or commercial properties and the street.
3. To ensure development responds to the predominant streetscape qualities and contributes to the desired future character of the Town Centre.
4. To provide an attractive and comfortable pedestrian environment.

Design Guidelines

Be a building block for a cohesive town centre

- *Design to account for existing opportunities and constraints within the surrounding context and demonstrate (through annotation of site plans and elevations) that improvements are thoughtfully integrated within its context and neighbours.*
- *Integrate architecture and landscape architecture – integrate vegetation and green infrastructure within site designs.*
- *Identify, reflect and enhance unique site attributes where they exist.*

Refine, repair and/or enhance the town centre's urban fabric

- *Where possible, contribute to a finer-grained network of pedestrian pathways that allow people to safely navigate a site and connect to public streets/ lanes and nearby amenities.*
- *Design for permeability and allow for pedestrian access through the site.*
- *Design sites to promote intuitive wayfinding through pathways, sightlines and signage.*

Reinforce and enhance neighbourhood character

- *Reflect, complement, or enhance established neighbourhood forms and design features that contribute positively to neighbourhood character.*
- *Relate buildings to adjacent heights.*

Use built form and landscaping to frame public and semi-public spaces

- *Use the siting of new building to define the street wall by fronting directly onto the street, or be set back to allow for plaza space and indoor/ outdoor function of the building as an extension of an activated public realm.*
- *Orient buildings to primary frontages.*
- *Support safety through the concept of "eyes on the street" by ensuring residential units, offices and other upper floor uses overlook public and semi-public spaces.*

Performance Criteria

1. The building is located on the front property boundary, to promote interaction between pedestrians and shopfronts.
2. The building has a clear street address and entry to upper level development is well defined but not prominent at street level.
3. Development continues the predominant built form character of the street, including awnings, parapet lines, and roof pitches.

Prescriptive Measures

1. Development is to include display windows with clear glazing to ground floor retail and commercial uses, with a maximum sill height of 0.7m.
2. Access to upper level uses shall not occupy more than 20% of the ground floor frontage.
3. Where the site has dual frontage, vehicle access shall not be provided off the primary active street frontage. Vehicular entries are to be designed to be discreet and to minimise conflicts with pedestrians by providing that cars give way to people.
4. Roof parapets and awnings must provide continuity with adjoining properties, follow the street grade and be of a sufficient depth to provide good shade and shelter to pedestrians.
5. Development shall include advanced tree planting in the footpath.
6. Lighting for streets, parks and any other public domain spaces provided as part of a development must be energy efficient LED lighting.

E10.2.3 Built Form

The building height, floor space and setbacks establish the building envelope. The built form of the development sits within the envelope and is moulded to respond to the site context.

The maximum height is set by Byron LEP 2014 at a **building height** of either 11.5m or 9m, with a maximum **floor space ratio** of 1.3:1 also set in the LEP.

The built form controls within this Chapter accommodate a mix of uses in the Town Centre. The ground level floorplates are suitable for retail and commercial uses, while the upper level floorplates provide for more natural light and ventilation, and are suitable for flexible commercial, residential and/ or tourist accommodation uses.

Objectives

1. To achieve a built form of a scale and character in keeping with the 'town scale' and desired future character of the Town Centre.
2. To allow for architecture that reflects the surrounding existing natural and built environment.
3. To achieve comfortable and healthy street environments and landscapes for pedestrians in terms of daylight, sense of enclosure and wind mitigation.
4. To protect streetscapes, vistas and skyline views.

5. To enable comfortable and high quality internal environments and allow natural day lighting, natural ventilation and visual and acoustic privacy.
6. To ensure adaptability of buildings for future uses.
7. To enable and encourage buildings with minimal environmental footprint and a reduced reliance on electricity.

Design Guidelines

- *Maximise street presence and ground orientation*
- *Design lower floors of buildings with ground-oriented units that are around 15m wide. At ground level, circulation should be externalised to create direct street access to all parts of the building.*
- *Maintain visual connection to commercial store interiors through at least 75% glazing along the primary store frontage.*
- *Orient primary building entrances to the footpath on which the building fronts. Primary building entrances must be universally accessible and should be well-lit and visually prominent.*
- *Treat blank walls visible from the road with landscaping, architectural features, and/ or artwork to cover at least 50% of the blank wall.*

Frame intersections

- *Design buildings on street corners to front both streets, with primary entrances on a chamfered (bevelled) corner.*

Design human-scale buildings for comfort and enjoyment

- *Articulate building facades with architectural features, varied materials, and subtle horizontal recesses to create variety and interest along the street.*
- *Include articulation in roof design to provide visual interest.*
- *Where practical, include green roofs.*
- *Screen rooftop mechanical equipment from view.*
- *Use materials that emphasise durability and reflect an honest expression of building architecture.*
- *Use multiple material types to provide visual interest and emphasise variety.*

Performance Criteria

1. Design of new development respectfully considers its neighbours, and the potential permissible future uses of its neighbours.
2. Design of new development respectfully considers the impact and presence the development will have on the public domain and amenity.
3. Design concentrates on people-scale, providing attractive and useable spaces at street level.
4. Street corners are strengthened by massing, chamfered (bevelled) corners and building articulation to both frontages.

5. Building components are designed for, in order of priority, longevity, adaptation, disassembly, re-use and recycling.
6. Development enables the incorporation of sustainable development initiatives, including green infrastructure.
7. Building design promotes minimal energy consumption.

Prescriptive Measures

1. Where the Byron LEP 2014 **Height of Buildings Map** specifies a maximum height of 11.5m, buildings must not contain more than three **storeys**.
2. Where the Byron LEP 2014 **Height of Buildings Map** specifies a maximum height of 9m, buildings must not contain more than two **storeys**.

Definition: A **storey** is a space between one floor level and the floor level next above (or the ceiling where there is no floor level above). It does not include an attic, a mezzanine or a space that contains only a lift shaft, stairway or meter room.

3. Roof-top recreation or commercial facilities must not contravene the maximum building height development standard.
4. Buildings are to have minimum floor to ceiling heights of:
 - a. ground floor: 4.0m;
 - b. first floor: 3.3m
 - c. second floor: 2.7m

Note: A floor to ceiling height of 2.7m requires a minimum floor to floor height of 3.1m and a floor to ceiling height of 3.3m require a minimum floor to floor height of 3.6m.

Ceiling heights are to be measured from finished floor level (FFL) to finished ceiling level (FCL).

5. Second storey levels to be set back 3m from the street frontage to achieve a degree of vertical articulation

Any upper storey setback can be utilised for balcony/ open space purposes.

6. Development for residential uses is to provide a building depth up to 12m, including articulated areas. Where building depth exceeds 12m, the applicant must demonstrate how satisfactory daylight and natural ventilation is to be achieved.
7. Where already existing, access to sunlight is to be maintained for a minimum period of two hours between 9am and 3pm to private open spaces of adjoining properties. Where existing overshadowing is more than this, access to sunlight must not be further reduced by new development.
8. Where a building is proposed on a street corner, the corner is to be chamfered (bevelled).
9. Communication devices, antennae, satellite dishes, chimneys, flues, air extractors, and the like shall not be readily visible from the public domain.
10. The building or its façade must not result in glare that causes discomfort or threatens safety of pedestrians or drivers.

11. Private open space balconies for shop-top housing are to be:

- a. provided for all dwellings;
- b. have a north-west to north-east aspect where practicable; and
- c. directly accessible from the living area of the dwelling and capable of servicing as an extension of the living area.

Where environmental conditions, including wind and noise effects, could significantly diminish the amenity of private open space, the requirement for the provision of private open space may be waived.

Wind and acoustic treatments of private open space must not result in the space being enclosed where it becomes part of the building envelope as defined by the BCA.

Where, in the opinion of the consent authority, the private open space has the character of a habitable room, it will be included as GFA.

E10.2.4 Respond to climate and context

Objectives

1. To ensure that climate and environmentally suitable materials are used.
2. To ensure that new and existing buildings retain the coastal village character of Byron Bay and are responsive to the Far North Coast climate.
3. To encourage building design that is adaptable and suitable for the Far North Coast climate.
4. To encourage buildings that are adaptive to a changing climate whilst maintaining good urban design outcomes.

Design Guidelines

Design sustainable buildings

- *Optimise solar radiation, natural ventilation, and daylighting through building form, orientation and thermal mass.*
- *Design residential levels to receive daylight and natural ventilation from at least two sides of the building where possible.*
- *Utilise solar shades and/ or deeper balconies/ overhangs along north and east facing building facades.*
- *Utilise durable, thermally efficient roofs that reduce heating and cooling. Landscaped roofs are encouraged.*
- *Adapt buildings to uncertain future weather events, whilst maintaining good urban design outcomes*

Minimise impervious surfaces

- *Landscape all areas not covered by buildings and/ or pedestrian facilities, with priority given to permeable surfaces.*
- *Use permeable hardscapes to mitigate stormwater runoff.*

- *Incorporate greenery in creative ways.*
- *Use edible landscapes in the form of fruit trees, nut trees and edible ground cover, provided such plantings are properly maintained to reduce attractants for pests.*

Respond to the North Coast Climate and Design

- *Use materials that complement the existing aesthetic of the town and are suitable for the Far North Coast climate.*
- *Use lightweight construction and adequate insulation*
- *Choose building materials, colours and textures that embody the coastal village character of Byron Bay.*

Performance Criteria

1. Built form adapts to forthcoming climate change and future weather events.
2. Where possible, adaptive elements do not detract from urban design outcomes, including active street frontages.
3. Building ramps are provided within the building envelope to allow for active street frontages at the street boundary.
4. Shop top housing has access to useable private open space and communal open space.

E10.2.5 Acoustic and visual privacy

The privacy of residents and neighbours should influence all stages of design, from the location of dwellings and the placement of windows and materials, through to the selection of materials and construction techniques.

Residential development in the mixed use Town Centre is likely to be subject to a certain level of activity noise associated with the uses in the Centre. The resultant amenity impacts can be substantially mitigated by good design.

Design Guidelines

Respect privacy

- *Offset window placements between buildings that face each other in close proximity in order to maintain privacy in residential units.*
- *Relate proposed buildings to adjacent heights. Where a building is introduced that is taller than its neighbours, it should incorporate complementary building forms and transitional building heights to bridge the height and scale of adjacent buildings, particularly when next to lower-density residential uses.*

Objectives

1. To ensure adequate separation between dwellings for acoustic and visual privacy.
2. To encourage building design, construction and use of materials that minimise conflicts between commercial and residential uses.

Performance Criteria

1. Development is sited and designed to minimise the transmission of external noise to other buildings on the site and on adjacent land.
2. The internal layout of rooms, courtyards, terraces and balconies, the use of openings, screens and blade walls, and choice of materials, are designed to minimise the transmission of noise externally.
3. The bedroom areas are separated, by way of barriers or distance, from on-site noise sources such as active recreation areas, car parks, vehicle access-ways and service equipment areas.
4. Noise impacts associated with goods delivery and garbage collection are minimised, particularly early morning.
5. Visual privacy is protected by providing adequate distance between opposite windows of neighbouring dwellings, where a direct view is not restricted by screening or planting.
6. Balconies are located and designed to provide privacy for occupants of the building when viewed from the street or nearby public space.

Prescriptive Measures

1. Where a development involves two or more separate buildings, the minimum distance between windows facing each other is:
 - a. 6m between non-habitable rooms;
 - b. 9m between habitable and non-habitable rooms; and
 - c. 12m between habitable rooms.
2. A rear courtyard for a restaurant or café in a mixed use building will only be permitted if Council is satisfied that the use and hours of operation will not have an unreasonable impact on residential amenity.
3. Views to adjacent private spaces must be protected and screened.

Note: Council may require a Noise Impact Statement as part of the development application.

E10.2.6 Car parking

The Byron Bay Town Centre Masterplan adopts a principle of “cars out – people in” to address significant issues of traffic congestion in the town. For the Town Centre, this means moving away from a policy of addressing car parking by satisfying parking demand on individual sites, to a Centre-wide policy that seeks to manage parking demand, the distribution of parking spaces and other measures to reduce the need for cars to enter and move through the Centre.

Objectives

1. To promote and ensure a Town Centre that is people focused.
2. To encourage and facilitate sustainable transport options for the Town Centre.

Performance Criteria

1. On-site car parking is not visible from the primary street frontage.
2. Parking areas include electric vehicle charging points or the capacity for electric vehicle charging points to be installed at a later time.
3. Where a car share scheme operates locally, car share parking spaces with car share cars are provided within the development, or in a suitable location off-site – at no cost to Council.
4. Where car share spaces with car share cars are provided on site, parking rates may be discounted by a maximum of 3 car spaces per car share vehicle.
5. Where car share parking spaces with car share cars are provided on-site, the spaces are:
 - publicly accessible 24 hours a day seven days a week;
 - located together;
 - located near and with access from a public road and integrated with the streetscape through appropriate landscaping where the space is external; and
 - clearly designated by signs as being for car share scheme use.
6. Car share parking spaces located on private land are retained as common property by the Owners Corporation of the site and not sold or leased to an individual owner or occupier.
7. Actions and strategies are employed to create incentives to use sustainable transport modes, including consideration of:
 - on-site parking, availability and costs;
 - building design and/ or rules that might impact on transport choice – ability to transport bicycles in lifts; storage for bikes in common areas, security etc.

E10.2.7 Waste and recycling management

Management of wastes and recycling (including food waste), particularly the regular collection, is an important design consideration for mixed use buildings in the Byron Bay Town Centre.

Objectives

1. Ensure that each dwelling has adequate space to manage waste and recycling, with allowance for multiple resource recovery streams including co-mingled recycling, cardboard, and food waste.
2. Ensure that buildings provide appropriate facilities to manage waste and maximise recovery of resources.
3. Ensure that building design allows for appropriate storage of wastes and recycling and that adequate provision is made for vehicular access to storage/ collection areas.
4. Ensure that residential amenity is not impacted by waste systems and collection.

Performance Criteria

1. The waste handling, storage and collection systems for residential and non-residential waste are separate and self-contained, including separate keys and locking systems.
2. Easy access is provided from each central waste and recycling storage area to the nominated collection point.
3. The Waste Management and Recycling Plan separately identifies the collection points and management systems for both residential and non-residential waste streams.
4. Noise and odour from the non-residential waste and recycling management system does not impact on other occupants within the development.

Note: Individual businesses are encouraged to liaise with Councils Resource Recovery team to ensure sound waste management and minimisation practices are incorporated on an ongoing basis which is supported by the design.

Prescriptive Measures

1. Storage facilities for separated waste, such as paper, cardboard, containers and food waste are to be included in all non-residential developments and indicated on the plans. The storage of paper and cardboard is to be in a dry, vermin proof area.
2. Kitchens, office tearooms, service and food preparation areas are to be designed with sufficient space for the interim storage of recycling, food and general waste in separate receptacles and are to be indicated on plans. Signage and information in accordance with Council guidelines should be provided and be consistent with bins in storage area.
3. A dedicated undercover, enclosed space is to be provided for storing bulky waste and problem waste for recycling as an interim storage area. As a guide, this space should be no less than:
 - a. 2m² for developments under 100m² ;
 - b. 4m² for developments between 100m² and 2,000m²; and
 - c. An additional 4m² for each retail, accommodation or entertainment development over 2,000m² and for every 20,000m² of office space.

However, these guidelines are dependent on the type and usage of development and will be review in accordance with Chapter B8 of this DCP.

4. Bulky waste storage areas must:
 - be readily accessible to all residents;
 - be located at ground level (screened from the street) or in a basement (can be incorporated with the bin storage area);
 - be secure and caged to allow the contents to be visible from the outside; and
 - have a minimum doorway width of 1.5 metres to allow for easy movement of large waste items.
5. Where communal composting areas are proposed, it is preferred they are managed by a gardener or caretaker and located:
 - a. in an accessible and visible area to increase awareness and so that it is well maintained;

- b. away from dwellings on site and on adjacent properties, so they are not affected by potential odours; and
 - c. so that potential run-off is away from site drainage points.
6. Waste and recycling storage facilities are to be easily accessible to building occupants and removal vehicles and of a sufficient size and capacity to service the building.
7. Bins in storage facilities need to be clearly labelled with waste disposal information consistent with council guidelines and educational materials.
8. Screen storage facilities from any public place or adjoining property.
9. In addition to the standard provision for wastes and recyclables, premises are to allocate sufficient space for the separate storage of:
 - a. reusable items such as crates, pallets, kegs so that storage in a public place is avoided; and
 - b. liquid wastes such as oils with storage areas bounded, and drained to a grease trap, in accordance with the requirements of state government authorities and agencies.

E10.2.8 Heritage conservation

Properties located in the Heritage Conservation Area or listed as a Heritage Item under the BLEP 2014, require further consideration in relation to their anticipated bulk and scale.

Development proposed for such sites must comprehensively and clearly address the heritage significance of the place, prior to a DA being lodged.

Any development of Heritage Items must be assessed via a comprehensive Conservation Management Plan (CMP) that aligns with the item's historical significance and enhances the protection of the heritage item. Streetscape photomontages and views and vistas plans may also be required.

The CMP must demonstrate that the heritage significance of the property is enhanced by the proposed works and indicate how the proposed works assist with creating a strong heritage connection throughout the town.

Adaptive reuse of existing buildings is strongly encouraged.

Council encourages early consultation with a suitably qualified heritage expert and Council staff, prior to lodging any plans for re-development of heritage items in the Byron Bay town centre.

Further information on requirements for development of heritage items and properties in the Heritage Conservation Area can be found in Chapter C1: Non-Indigenous Heritage of this DCP.

E10.2.9 Roof form, access and use

Roof form, access and usage can have implications for the street feel and design outcomes of buildings.

Objectives

1. Encourage a diversity of roof forms as appropriate to each building.
2. Encourage the provision of green roofs to reduce urban heat island effect and create ecological amenity.
3. Reduce adverse impacts from roof-top activities on surrounding properties.
4. Encourage solar collectors and photovoltaic cells to be integrated into the overall design of roof terraces.

Performance Criteria

1. Roof form creates visual interest, and compliments the architectural features of the development.
2. Roofs provide space for greening.
3. Roofs achieve articulation from neighbouring buildings, and reinforce visual interest.
4. Green roofs provide adequate substrate to support the long term growth of vegetation.
5. Roofs boost sustainable outcomes, through installation of elements such as rain water tanks, solar panels and the like.

Prescriptive Measures

1. Roof-top recreation spaces must be located so that they are not visible from adjoining streets.
2. Applications proposing roof-top recreation spaces are to be supported by a site specific acoustic assessment, prepared by a suitably qualified person, quantifying existing background noise levels and noise levels predicted for the likely use of the space, in relation to all nearby residential areas, and demonstrating that the use of the roof top for functions and/ or events will not result in the generation of offensive noise, as defined in the *Protection of the Environment Operations Act 1997*.
3. Roof-top lighting is to be orientated inwards, and should not adversely impact on neighbouring properties.
4. The design of roof plant rooms and lift overruns is to be integrated into the overall architecture of the building.
5. Roof-top recreation spaces should be intended primarily for the occupants of that building, and should not be readily accessible to the general public.
6. Hours of operation/ access to rooftop areas should be limited by the owner's corporation to minimise any potential adverse impacts on neighbouring properties.

E10.2.10 Green Infrastructure

Where possible, building construction should be complimented with the inclusion of appropriate and well maintained green infrastructure, including vertical plantings, green roofs and green walls.

The addition of green infrastructure will add to the architectural quality of the overall design and should be designed in such a way as to be easy to maintain with appropriate substrate levels and species selection.

E10.2.11 Design Excellence

Objectives

1. Ensure that new development within the Byron Bay Town Centre exhibits the highest standard of architectural and urban design.
2. Achieve buildings that respond appropriately to the environmental and built characteristics of the Town Centre.
3. Improve the quality and amenity of the public domain.

Performance Criteria

Development in the Byron Town Centre achieves Design Excellence, as articulated in the Byron Local Environmental Plan 2014 Clause 6.13.

Prescriptive Measures

New development proposed to be carried out in the area identified in the Design Excellence Map in the Byron LEP 2014, must be referred to the Design Excellence Panel prior to the lodgement of a Development Application.