



Planning Proposal 26.2017.5.1
Amendment of Byron Local Environmental Plan 2014
Byron Bay Town Centre Planning Control Review

Byron Shire Council

Post Gateway Version – Activation of Rail Corridor

Date: May 2018

Document History

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Table of Contents

Part 1	Introduction.....	1
1.1	Objective and intended outcomes	1
1.2	Property details and existing zones.....	1
1.3	Background.....	2
Part 2	Explanation of provisions.....	5
2.1	Planning Proposal	5
Part 3	Justification	6
Section A	Need for the planning proposal.....	6
Section B	Relationship to strategic planning framework.....	7
Section C	Environmental, social and economic impact	28
Section D	State and Commonwealth interests	28
Part 4	Mapping.....	28
Part 5	Community consultation.....	29
Part 6	Project timeline.....	29
	Summary and conclusions	29
Appendix A	Proposed LEP Amendments.....	31
Appendix B	Licence to use Rail Corridor	32
Appendix C	Conservation Management Strategy.....	33
Appendix D	Contamination Report	34

Part 1 Introduction

1.1 Objective and intended outcomes

The objective of this Planning Proposal is to amend Byron Local Environmental Plan (LEP) 2014 to facilitate future actions recommended by the Byron Bay Town Centre Masterplan.

In particular, the intended outcomes of the amendments are:

1. To specify additional land uses that will be permitted with and without consent on land within the Byron Bay Rail Corridor and at the Lawson Street South Car Park, to facilitate community use, of the rail corridor, implement endorsed landscape plans and to permit a social enterprise use of the station building, previously used as a ticketing office for the rail station; and
2. To list Single Temporary Events and Ceremonies within Schedule 2 of the LEP as Exempt Development in public reserves, public roads, car parks, community land, showgrounds, church grounds, Crown land or other appropriate outdoor areas.

Details of the suggested LEP amendments are outlined in **Appendix A**.

1.2 Property details and existing zones

This Planning Proposal relates specifically to land shown in **Figure 1**, currently zoned SP2 Infrastructure, located within and adjacent to the rail corridor in the Byron Bay Town Centre. The subject land is legally identified as follows:

Site Name	Zone	Legal Description	Owner
Byron Bay Rail Corridor	Zone SP2 Infrastructure (Rail Corridor)	Part of Lot 4729 in DP 1228104	County Rail Infrastructure Authority
Adjacent Rail Land – containing station building (former ticketing office), Railway Hotel and car park	Zone SP2 Infrastructure (Rail Facilities)	Lot 1 in DP 1001454	County Rail Infrastructure Authority
Lawson Street South Car Park	Zone SP2 Infrastructure (Car Park)	Lot 3 & part Lot 7 in DP 827049	Byron Shire Council

As shown in **Figure 1**, the Planning Proposal does not relate to:

- areas containing high environmental value vegetation; and
- an area located within 100m of a Coastal Wetland, as mapped within *State Environmental Planning Policy (Coastal Management) 2018*.

Council has recently entered into a Licence over the Country Rail land, which facilitates the land uses authorised by this Planning Proposal. A copy of that licence is contained as **Appendix B** to this Planning Proposal.

The land identified the table above is listed on the State Heritage Register as *SHR 01107, Plan 2735 Byron Bay Railway Station and Yard Group* (see **Figure 2**).

A **Conservation Management Strategy** has been prepared in relation to this area, to provide a framework within which the proposed amendments to the LEP have been developed. That Conservation Management Strategy is contained at **Appendix C** to this Planning Proposal.

Council is in the process of preparing a **Conservation Management Plan** for the corridor, which will build on the work undertaken for the Management Strategy. That Plan will, amongst other

things, specifically address and guide the community and social enterprise uses facilitated by this Planning Proposal.

It is also noted that Council will need to obtain approvals under Section 60 of the Heritage Act 1977 before implementation of the works or activities that might follow the LEP amendment.

The parts of this Planning Proposal that deal with amendments to Schedule 2 of the LEP apply across the whole of Byron Shire.

1.3 Background

The Byron Bay Town Centre Masterplan was adopted by Council on 9 June 2016.

The purpose of the proposed amendment to the LEP is to implement planning controls that align with the strategic direction of the masterplan.

Following a period of extensive community engagement throughout 2015-2016, the masterplan and an 'implementation plan' were agreed, based on the outcomes of the masterplan process.

The implementation plan proposes a 20 year delivery period and includes steps required to fulfil the place principles, town centre strategies and key projects identified by the Council and community during the development of the masterplan.

The 5 key planning priorities in implementing the masterplan include:

1. Establishment of a Byron Bay Leadership Team;
2. Preparation of a Byron Bay Development Control Plan;
3. Amendments to the Local Environmental Plan to reflect the Master Plan;
4. Preparation of a detailed Access and Movement Study and Strategy;
5. Development of a Byron Bay Facilities Asset Management Plan.

A complete copy of Byron Bay Town Centre Masterplan is available [online](#).

Council has undertaken a review of planning controls in and around the Byron Bay Town Centre within the following wider area:

- a northern boundary along the north coast railway corridor and Main Beach;
- an eastern boundary to Massinger Street;
- a western boundary aligned with the approved Butler Street bypass around Gordon Street, Butler Reserve and to Kendal Street; and
- a southern boundary along Browning Street and across Jonson Street following the alignment
- of the approved road reserve to connect with the approved Butler Street bypass.

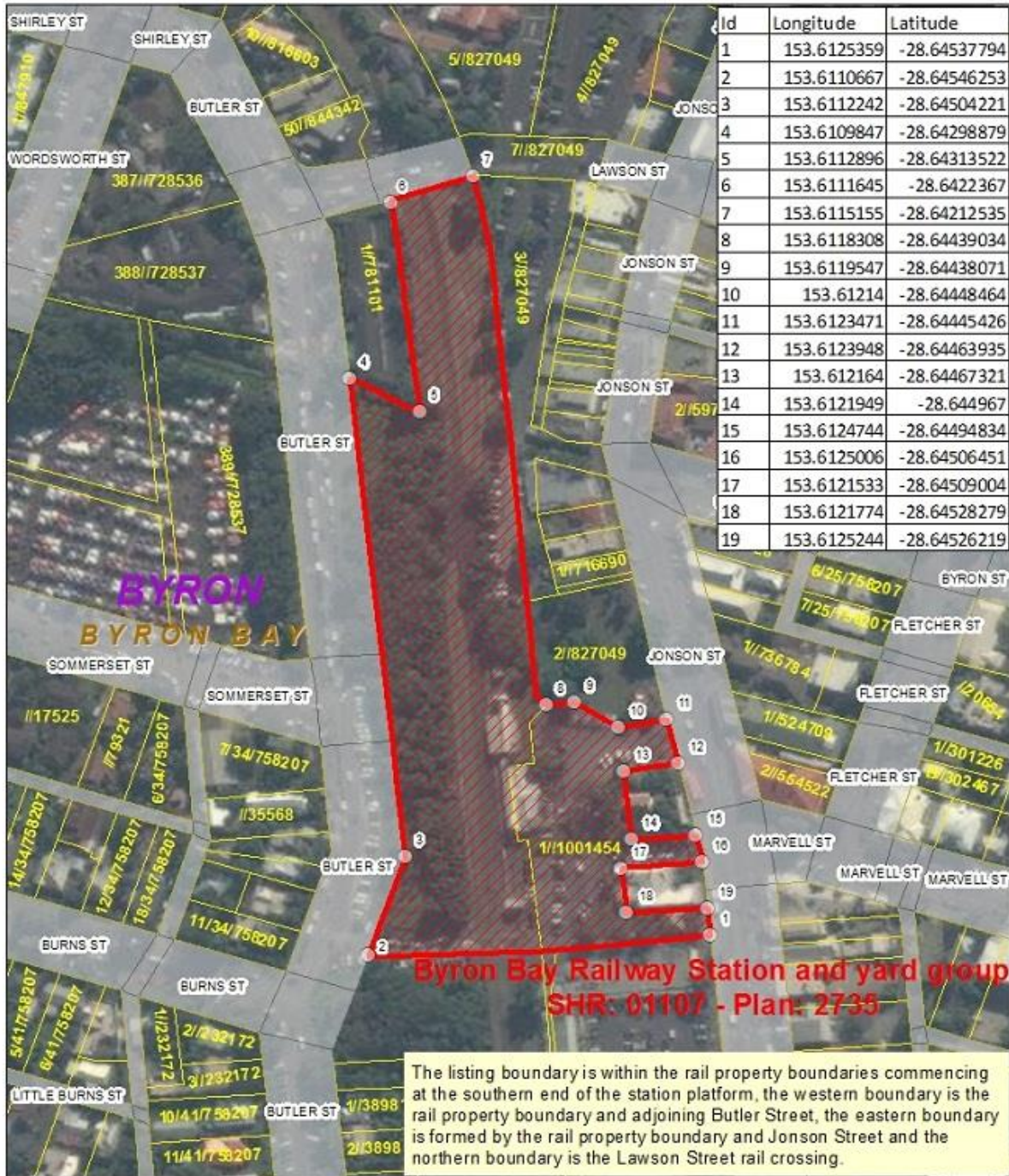
This Planning Proposal will enable the delivery of projects identified in the masterplan and is the first of a number of proposed amendments to the LEP that are being prepared and lodged for Gateway determination in order of priority.

The proposed amendments are intended to ensure permissibility of appropriate land uses that maintain the character of Byron Bay Town Centre. New exempt development provisions are proposed to introduce more simplified development approval processes for low impact, 'pop-up' events and activities, where appropriate.



Figure 1 – Subject Land

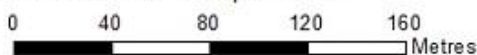
Heritage Council of New South Wales



State Heritage Register - SHR 01107, Plan 2735

Byron Bay Railway Station and yard group

Gazettal Date: 02 April 1999



Scale: 1:2,500
Datum/Projection: GCS GDA 1994



Legend

- SHR Curtilage
- Land Parcels
- LGAs
- Suburbs
- Roads

Figure 2 – State Heritage Register

Part 2 Explanation of provisions

2.1 Planning Proposal

The purpose of this planning proposal is to enable uses identified in the Byron Bay Town Centre Masterplan and facilitate community use of the rail corridor land.

This primarily relates to land currently zoned SP2 Infrastructure (Rail Corridor), located at Byron Bay Town Centre.

This Planning Proposal suggests the following amendments to Byron Local Environmental Plan 2014.

2.1.1 Additional Permitted Uses (New Local Clause)

The Planning Proposal will amend Part 6 of the LEP to insert a new local clause that will provide the following additional permitted uses within the corridor:

- markets permitted with development consent, but only in the case of a relocation of existing markets legally operating elsewhere;
- community facilities and information and entertainment facilities, permitted with consent within the corridor;
- community facilities that may include a commercial activity undertaken by a not-for-profit organisation or social enterprise, where that activity has demonstrable / measurable social and community benefit, permitted with consent within the station building previously used as a ticketing office;
- a recreation area, permitted without consent; and
- landscape works undertaken for the implementation of a Council-endorsed Landscape Concept Plan, permitted without consent.

The intention of the amendment is to provide for the community use of the corridor for local events, exhibitions and the like; facilitate the upgrade and beautification of the corridor; provide for the adaptive use of the station building for a community purpose; and to facilitate the temporary or permanent relocation of existing markets.

The station building is located as shown in **Figure 3** below.



Figure 3: Location of Station Building

The building is described and assessed in detail in the Conservation Management Strategy at **Appendix C**.

2.1.2 Schedule 2 Exempt Development

Exempt development can be carried out without the need for any approval or assessment process. Most exempt development is identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and includes very minor activities or works that have no impacts.

Schedule 2 of the Byron LEP contains additional activities and uses that are exempt in Byron Shire.

This Planning Proposal intends to add to that schedule by including a range of nominated one-off events and ceremonies where they are carried out on public land. These would include a one-off community event or commercial event, such as the laneway activation events recently held in Byron Bay Town Centre.

This would supersede the existing provision in the schedule relating to *Entertainment and Events on Public Roads*, which would be removed from the schedule.

Part 3 Justification

Section A Need for the planning proposal

Q1 Is the planning proposal a result of any strategic study or report?

Yes. This Planning Proposal is the result the Byron Bay Town Centre Masterplan. The Masterplan was adopted by Council in June 2016, following a period of extensive community engagement throughout 2015-2016. A copy is available online here: [Byron Bay Town Centre Masterplan](#).

The Masterplan identifies the need to introduce new planning controls, including amendments to the Byron LEP 2014 and Byron DCP 2014, to support the following strategic land use planning outcomes:

- A pedestrian-prioritised centre that supports and integrates alternate modes of transport and creates opportunities for car parking facilities on the edge of the town centre and public transport facilities on the western side of the north coast rail corridor, close to Butler Reserve;
- Increased mix of uses in the town centre by encouraging a multi-functional economy that supports diverse activities including local businesses, local living, and local development opportunities; and
- Preservation of Byron Bay's eclectic village character through high quality design, increased density (floor space) and ensuring the maximum height of buildings is increased where appropriate and does not exceed 3 storeys.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The Planning Proposal is considered the best means of achieving the objective of ensuring permissibility of a variety of community uses that will activate the currently unused rail corridor. The Planning Proposal will also simplify approval processes for low impact events and activities on public land and other suitable locations in Byron Shire.

Alternative Options

Various options were considered and discussed during preparation of the Planning Proposal, summarised below:

Additional Permitted Uses**Alternative Option:**

Amendment of the land use table for *SP2 Infrastructure* is not possible under the drafting requirements of the [Standard Instrument Local Environmental Plan Order 2006](#).

The principle permissible use on land zoned SP2 is 'The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose.' In this case, the purpose shown on the Land Zoning Map is "rail corridor".

Changing the land use table to permit markets and temporary activities is not a preferred option, as this would apply to all land zone SP2 Infrastructure.

Schedule 2 - Single temporary events and ceremonies**Alternative Option:**

A local provision to permit temporary activities and events without development consent on public reserves was considered, as adopted by Coffs Harbour LEP. This approach is not considered suitable as it would not streamline approvals processes for Council, as development would still need to be assessed under Part 5 of the EP&A Act 1979.

Section B Relationship to strategic planning framework**Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (in this case the North Coast Regional Plan 2036)?**

Yes. The Planning Proposal is consistent with the [North Coast Regional Plan 2036](#), which is a 20-year blueprint for the future of the North Coast. The NSW Government's vision for the North Coast is to create the best region in Australia to live, work and play thanks to its spectacular environment and vibrant communities.

To achieve this vision the Government has set four goals for the region:

- The most stunning environment in NSW
- A thriving, interconnected economy
- Vibrant and engaged communities
- Great housing choice and lifestyle options.

Byron Bay is not identified as a regional centre under the *North Coast Regional Plan*. However, it is recognised for its spectacular natural environment and as an important regional tourist destination for the purposes of investment in upgrades to Ballina-Byron Gateway Airport and supporting associated economic growth in the region.

The Plan recognises that the area is integrated with a burgeoning South East Queensland, including Coolangatta Airport, and that hinterland and rural communities are making the most of the increasing global demand for their high-quality agricultural products and that coastal communities are building relationships and leveraging opportunities from the Pacific Highway upgrade.

Byron Shire is known for its natural beauty and character. Unique environmental features, such as the Arakwal National Park and the Cape Byron Marine Park, will continue to draw domestic and international tourists, contribute to attractive lifestyles and grow the local economy.

Byron Shire is one of Australia's most visited local government areas, with stunning beaches, beautiful hinterland and vibrant centres like Byron Bay. Communities are centres of creativity, provide boutique retail, food and accommodation options, essential services, and offer a unique lifestyle. These factors continue to increase the attractiveness of Byron Bay to visitors and new residents and this has a significant effect on the demand for urban land

uses. The NSW Government recognises that tourism can both benefit and increase pressure on the environment and smaller communities.

Byron has a strong economy based on the tourism, creative arts, agricultural, food manufacturing and health sectors. The plan particularly recognises the opportunity to intensify creative industries in Byron that will foster employment and economic activity. Continuing connectivity improvements to Lismore, Ballina, Tweed and South East Queensland through the Pacific Highway upgrade and digital technology will support future economic growth and opportunities.

In summary, this Planning Proposal particularly supports the following regional priorities:

- Support a strong and diversified economy based on Byron Shire’s unique character, landscapes and important farmland.
- Manage and support growth in Byron Bay.
- Maximise opportunities associated with the growth of South East Queensland.

This Planning Proposal will streamline approval processes for events and activities that will support locally grown trade including creative industries and farmers markets. It will contribute to a thriving interconnected economy by increasing opportunities for markets and events in partnership with the community of Byron Bay.

Q4. Is the planning proposal consistent with a council’s local strategy or other local strategic plan?

On 22 June 2017, Byron Shire Council adopted its *Community Strategic Plan 2027 (CSP) - Linking together our people, our place, our purpose - Byron Shire 2027* ((Resolution 17-268).

All councils are required to prepare a CSP under the NSW Integrated Planning and Reporting Framework. The CSP is the highest level of strategic planning undertaken by a council and its community. Its purpose is to identify the community’s main priorities and aspirations for the future, and to plan a clear set of strategies for achieving these goals. The CSP considers the issues and pressures that may affect the community over the next 10 years.

Linking together our people, our place, our purpose - Byron Shire 2027 is built around five key themes. All themes and aims are interconnected and therefore relevant to this Planning Proposal:

<p>Corporate Management...<i>Effective leadership and ethical and accountable decision making.</i></p>	<p>Public land management requires ethical and accountable decision making that will meet the needs of the local community. Working with the community, Council develops plans and strategies using a range of effective communication methods. Council directly engage the community and support transparent and accountable Council decision making.</p> <p>To progress the Byron Bay Town Centre Masterplan (BBTCMP) after its adoption, Council resolved to establish a Leadership Team for a period of 12 months, subject to review and extension by Council to:</p> <ul style="list-style-type: none"> • provide advice and direction on the delivery of the BBTCMP actions; • identify and actively facilitate, where appropriate, opportunities for partnerships and community collaboration; • provide oversight on the timely delivery of actions that are responsive to community needs,
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	<p>acknowledging that the actions of the BBTCMP are flexible and adaptable.</p> <p>The use of land affected by this Planning Proposal is a result of continued engagement with the Byron Bay Leadership Team, Market Traders and Property owners in Byron Bay Town Centre.</p>
<p>Economy...<i>A sustainable and diverse economy which provides innovative employment and investment opportunities in harmony with our ecological and social aims.</i></p>	<p>The Planning Proposal supports the economy through streamlining processes for approval of temporary activities in accessible locations.</p>
<p>Community Infrastructure...<i>Services and infrastructure that sustain, connect and integrate our communities and environment</i></p>	<p>The Planning Proposal builds on existing services and infrastructure. Water and sewerage is available. Further environmental improvements and development of public transport and car parking in suitable locations will be enabled through activation of fragmented and underutilised land with temporary and low impact activities. This provides an opportunity to increase public access and use of land in Byron Bay Town Centre.</p>
<p>Society and Culture...<i>Resilient, creative and active communities with a strong sense of local identity and place</i></p>	<p>Byron Bay Town Centre continues to be a place of growth and diversity where local people can live and work and will be more resilient to outside pressure such as a down turn in tourism. The Planning Proposal implements the Place Principles in Byron Bay Town Centre Masterplan.</p>
<p>Environment...<i>Our natural and built environment is improved for each generation</i></p>	<p>The Planning Proposal assists the environment to be maintained and protected for future generations by restricting development to existing urban land with no major environmental significance. The Planning Proposal will facilitate improvements to the Byron Rail corridor for low impact temporary use whilst protecting its heritage significance.</p>

On this basis the Planning Proposal is consistent with Council's CSP.

The Byron Bay and Suffolk Park Settlement Strategy 2002 summarises the development potential of Byron Bay and particularly recognises various constraints including:

- Severance of the town of Byron Bay by the North Coast railway line, and the lack of crossings of this line;
- Traffic and parking congestion in town centres; particularly inadequate capacity to cater for through traffic (bypass of Byron Bay town centre is required);
- Stormwater drainage limitations;
- Flora and fauna impacts;
- Acid sulfate soils and peat;
- Limited availability of job opportunities, 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 planning proposal will address urban constraints through activation of the disused railway corridor, and enabling redundant transport infrastructure on the edge of Byron Bay Town Centre to be used by local residents, traders and tourists.


The community activities will be further enabled by improved traffic circulation subject to completion of the Butler Street bypass project, which has progressed significantly in the past year. Approval from the Land and Environment Court for the southern part of the proposed road is complete and project management underway for approval and delivery of the remainder of the route is underway.

The planning proposal will not directly affect the delivery of housing supply. However, it is noted that Council is developing a Residential Strategy to set a clear vision and policy framework for the Shire's urban residential lands and will provide a framework for managing future growth.

Q5. Is the planning proposal consistent with the applicable State Environmental Planning Policies (SEPPs)?

The State Environmental Planning Policies relevant to this Planning Proposal are as follows:

State Environmental Planning Policy (SEPP)	Compliance of Planning Proposal
SEPP 44 – Koala Habitat Protection	<p>SEPP 44 specifies that in order for a forested area to be classified as koala habitat, a minimum of 15% of the trees must be species of trees that provide food for koalas.</p> <p>The closest land mapped by Council as tertiary Koala habitat is to the west of Butler Reserve and this area is not proposed to be rezoned by this Planning Proposal.</p> <p>The Planning Proposal is considered to be consistent with SEPP 44.</p>
SEPP 55 – Remediation of Land	<p>Council acknowledges that the land affected by this planning proposal at the Byron Bay Railway Corridor has a known history of uses associated with a previously active railway corridor.</p> <p>A preliminary assessment has been undertaken and is attached at Appendix D.</p> <p>Council is satisfied that the land can be made suitable for the proposed non-sensitive low impact uses.</p>
SEPP (Coastal Management) 2018	<p>The subject land is located in the Coastal Use Area mapped under this SEPP.</p> <p>Development that could be facilitated by this planning proposal will be consistent with matters for consideration relating to the Coastal Use Area. Specifically:</p> <ul style="list-style-type: none"> • activation of the area through community uses, activities and events will not have any adverse impacts on coastal access; • community activation and associated landscape works will result in positive impacts on the scenic amenity of the area; • development of a Conservation Management Plan, building on the work undertaken to develop the existing Conservation Management Strategy, will ensure that future activities will respect and celebrate the significant heritage of the area; and

State Environmental Planning Policy (SEPP)	Compliance of Planning Proposal
	<ul style="list-style-type: none"> engagement with local Aboriginal knowledge-holders will ensure that the space can be activated in a way that respects and celebrates the significant Aboriginal history of and connection to the place. <p>Land immediately to the south (within the corridor) is mapped as Coastal Wetlands, including a 100m 'buffer'.</p>  <p>The mapped wetland area is contained mostly within the Deferred Matters under LEP 2014. As shown in Figure 1, this area is excluded from the area covered by this Planning Proposal.</p>
SEPP (Exempt and Complying Development Codes) 2008	Schedule 2 of LEP 2014 includes standards and requirements for locally exempt development types that do not repeat or contradict the Codes SEPP. The Planning Proposal will permit Single Temporary Events and Ceremonies as Exempt Development in public reserves, public roads, car parks, community land, showgrounds, church grounds, Crown land or other appropriate outdoor areas under Schedule 2 of the LEP.
SEPP Infrastructure (2007)	This Planning Proposal will permit the development of Markets and other community uses on land zoned SP2 Infrastructure. This Planning Proposal does not contradict or repeat the Infrastructure SEPP.
SEPP (Vegetation in Non-Rural Areas) 2017	There is nothing in this Planning Proposal that affects the provisions of the Vegetation in Non-Rural Areas SEPP, which is applicable to urban land zoned under the Byron LEP 2014.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s117 Directions)?

Yes. Consistency with the s117 (2) Directions is assessed in the following table:

Consistency with S117(2) Local Planning Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
1. Employment and Resources			
1.1 Business and Industrial Zones	<p>Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).</p> <p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres. <p>A planning proposal must:</p> <ul style="list-style-type: none"> (a) give effect to the objectives of this direction, (b) retain the areas and locations of existing business and industrial zones, (c) not reduce the total potential floor space area for employment uses and related public services in business zones, (d) not reduce the total potential floor space area for industrial uses in industrial zones, and (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning. 	<p>This Planning Proposal will not directly affect land within an existing Business Zone.</p> <p>It does propose to permit new uses on land adjacent to Byron Bay Town Centre, which is within a business zone.</p> <p>The proposed LEP amendment will permit a range of uses that are complementary to the adjoining business zone objectives. It will not facilitate competing commercial or retail uses.</p>	Consistent

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
1.2 Rural Zones	<p>Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).</p> <p>The objective of this direction is to protect the agricultural production value of rural land.</p> <p>Under this direction a planning proposal must:</p> <ul style="list-style-type: none"> (a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. (b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village). 	This Planning Proposal does not affect land within an existing or proposed rural zone.	Consistent
1.3 Mining, Petroleum Production and Extractive Industries	<p>Applies when a relevant planning authority prepares a planning proposal that would have the effect of:</p> <ul style="list-style-type: none"> (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or (b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development. 	This Planning Proposal does not have any effect on the potential for mining, petroleum production or extraction of materials and resources.	Consistent
1.4 Oyster Aquaculture	<p>Applies when a relevant planning authority prepares any planning proposal that proposes a change in land use which could result in:</p> <ul style="list-style-type: none"> (a) adverse impacts on a Priority Oyster Aquaculture Area or a “current oyster aquaculture lease in the national parks estate”, or (b) incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or a “current oyster aquaculture lease in the 	This Planning Proposal has no effect on a Priority Oyster Aquaculture Area or other related uses.	Consistent

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	national parks estate” and other land uses.		
1.5 Rural Lands	<p>Applies when:</p> <p>(a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary), or</p> <p>(b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone.</p> <p>A planning proposal to which clauses (a) and (b) apply must be consistent with the Rural Planning Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>.</p> <p>A planning proposal to which clause (b) applies must be consistent with the Rural Subdivision Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>.</p>	This Planning Proposal will have no effect on land within a rural or environment protection zone.	Consistent
2. Environment and Heritage			
2.1 Environment Protection Zones	<p>A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a</p>	As outlined above, areas within the rail corridor that have been identified as being environmental sensitive are specifically excluded from this Planning Proposal.	Consistent

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	dwelling in accordance with clause (5) of Direction 1.5 “ <i>Rural Lands</i> ”.		
2.2 Coastal Protection	<p>This Direction applies when a relevant planning authority prepares a planning proposal that applies to land in the coastal zone.</p> <p>A planning proposal must include provisions that give effect to and are consistent with:</p> <ul style="list-style-type: none"> (a) the NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997, (b) the Coastal Design Guidelines 2003, (c) the manual relating to the management of the coastline for the purposes of section 733 of the <i>Local Government Act 1993</i> (the NSW Coastline Management Manual 1990). 	<p>The Planning Proposal applies to land in the Coastal Zone. Byron LEP 2014 currently includes compulsory provisions under Clause 5.5 <i>Development within the coastal zone</i> to provide for the protection of the coastal environment; implement the principles in the NSW Coastal Policy (1997) and is consistent with the Coastal Design Guidelines (2003) and the NSW Coastline Management Manual (1990).</p>	Consistent
2.3 Heritage Conservation	<p>A planning proposal must contain provisions that facilitate the conservation of:</p> <ul style="list-style-type: none"> (a) Items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area, (b) Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i>, and (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning 	<p>Byron Bay Railway Station and Yard Group is listed on the State Heritage Register (SHR) listing number 01107. This listing takes effect under the auspices of the NSW Heritage Act, 1977.</p> <p>The physical description of the boundary is defined by the State Heritage inventory sheet as: “...commencing at the southern end of the station platform, the western boundary is the rail property boundary and adjoining Butler Street, the eastern boundary is formed by the rail property boundary and Jonson Street and the northern boundary is the Lawson Street rail crossing”</p> <p>Part of the land is also mapped within a Conservation Area under BLEP2014. Within this area, the Byron Bay Railway Station and yard group is also listed as a heritage item.</p> <p>A Conservation Management Strategy (see</p>	Inconsistent Justified

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</p>	<p>Appendix C) has been prepared for this area. The Strategy provides guidance and recommendations <i>to preserve and protect the above-mentioned heritage significance whilst enabling the buildings and place to be adaptively reused for the benefit of the Byron Bay Community.</i></p> <p>As indicated above, Council is also preparing a Conservation Management Plan, to expand on the Strategy, which will specifically shape the future community and social enterprise uses.</p> <p>A search of the NSW Aboriginal Heritage Information Management System (AHIMS), undertaken on 19 October 2017, did not identify any Aboriginal sites or places in or near land within a 50 metre buffer of land affected by proposed additional permitted uses, being the Lawson Street South Car Park and Byron Bay Railway Precinct.</p> <p>Notwithstanding that, Council will liaise with local Aboriginal knowledge-holders in progressing community uses and activities for this place.</p>	
2.4 Recreation Vehicle Areas	<p>A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the <i>Recreation Vehicles Act 1983</i>):</p> <ul style="list-style-type: none"> (a) where the land is within an environment protection zone, (b) where the land comprises a beach or a dune adjacent to or adjoining a beach, (c) where the land is not within an area or zone referred to in paragraphs (4)(a) or (4)(b) unless the relevant planning authority has taken into consideration: 	<p>This Planning Proposal does not enable land to be developed for the purpose of a vehicle recreation area (within the meaning of the <i>Recreation Vehicles Act 1983</i>):</p>	N/A

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>(i) the provisions of the guidelines entitled <i>Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September 1985</i>, and</p> <p>(ii) the provisions of the guidelines entitled <i>Recreation Vehicles Act, 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985</i>.</p>		
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	<p>A planning proposal that introduces or alters an E2 Environmental Conservation or E3 Environmental Management zone or an overlay and associated clause must:</p> <p>(a) apply the proposed E2 Environmental Conservation or E3 Environmental Management zones, or the overlay and associated clause, consistent with the Northern Councils E Zone Review Final Recommendations.</p>	This Planning Proposal does not introduce or alter an E2 or E3 Zone or Environmental Overlays.	N/A
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	<p>This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:</p> <p>(a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary),</p> <p>(b) any other zone in which significant residential development is permitted or proposed to be permitted.</p> <p>A planning proposal must include provisions that encourage the provision of housing that will:</p>	This Planning Proposal does not affect land within a residential zone or land where residential accommodation is permitted or proposed to be permitted.	N/A

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>(a) broaden the choice of building types and locations available in the housing market, and</p> <p>(b) make more efficient use of existing infrastructure and services, and</p> <p>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</p> <p>(d) be of good design.</p> <p>A planning proposal must, in relation to land to which this direction applies:</p> <p>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</p> <p>(b) not contain provisions which will reduce the permissible residential density of land.</p>		
3.2 Caravan Parks and Manufactured Home Estates	<p>Applies when a relevant planning authority prepares a planning proposal.</p> <p>In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:</p> <p>(a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and</p> <p>(b) retain the zonings of existing caravan parks, or in the case of a new principal LEP, zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park.</p>	This Planning Proposal does not seek to identify suitable zones locations and provision for caravan parks.	N/A


S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:</p> <p>(a) take into account the categories of land set out in Schedule 2 of SEPP 36 as to where MHEs should not be located,</p> <p>(b) take into account the principles listed in clause 9 of SEPP 36 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and</p> <p>(c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the <i>Community Land Development Act 1989</i> be permissible with consent.</p>		
3.3 Home Occupations	<p>Planning proposals must permit home occupations to be carried out in dwelling-houses without the need for development consent.</p>	<p>This Planning Proposals does not seek to amend current Byron LEP 2014 provisions that permit home occupations to be carried out in dwelling houses without the need for development consent.</p>	N/A
3.4 Integrating Land Use and Transport	<p>Applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p> <p>A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>(a) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and</p> <p>(b) <i>The Right Place for Business and Services –</i></p>	<p>This Planning Proposal will facilitate community use of land, which is zoned for urban purposes.</p> <p>This will be achieved through the provision of additional permitted uses and exempt development and does not create, alter or remove a zone.</p> <p>The underlying objectives of the applicable zone will prevail.</p>	Consistent

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p><i>Planning Policy</i> (DUAP 2001).</p> <p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <ul style="list-style-type: none"> (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight 		
3.5 Development Near Licensed Aerodrome	<p>Applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.</p> <p>The main requirements of the Direction are that Council considers the Obstacle Limitation Surface (OLS) as defined by that Department of the Commonwealth for residential purposes, and does not increase residential densities in areas where the ANEF, as from time to time advised by that Department of the Commonwealth, exceeds 25.</p>	This Planning Proposal will not create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.	N/A
3.6 Shooting Ranges	<p>Applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/or adjoining an existing shooting range.</p> <p>A Planning Proposal must not seek to rezone land</p>	This Planning Proposal does not relate to land adjacent to and/or adjoining an existing shooting range.	N/A

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	adjacent to and/or adjoining an existing shooting range that has the effect of permitting more intensive land uses in the area.		
4. Hazard and Risk			
4.1 Acid Sulfate Soils	<p>Applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.</p> <p>A council shall not prepare a draft LEP that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the council has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils.</p>	<p>The Planning Proposal is located on land affected by Acid Sulfate Soils Class 3 as shown on the Acid Sulfate Soils Map in Byron LEP 2014.</p> <p>The Planning Proposal to permit additional uses is not expected to result in intensification of land use compared to the current underlying permissible land uses or result in significant disturbance of soils</p>	Inconsistent Justified
4.2 Mine Subsidence and Unstable Land	<p>Applies when a relevant planning authority prepares a planning proposal that permits development on land that:</p> <p>(a) is within a mine subsidence district, or</p> <p>(b) has been identified as unstable in a study, strategy or other assessment undertaken:</p> <p>(i) by or on behalf of the relevant planning authority, or</p> <p>(ii) by or on behalf of a public authority and provided to the relevant planning authority.</p>	Byron Shire is not in a mine subsidence district and the land affected by this planning proposal has not been identified as unstable land.	N/A
4.3 Flood Prone Land	<p>Applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p> <p>A planning proposal must include provisions that give effect to and are consistent with the NSW Flood</p>	<p>The land subject to the Planning Proposal is Flood Prone (1:100 Year Flood) and within the Belongil Creek Flood Planning Area.</p> <p>The Planning Proposal seeks to allow additional permitted provisions on land within a flood planning</p>	Consistent

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>).</p> <p>A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environment Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.</p> <p>A planning proposal must not contain provisions that apply to the flood planning areas which:</p> <p>(a) permit development in floodway areas,</p> <p>(b) permit development that will result in significant flood impacts to other properties,</p> <p>(c) permit a significant increase in the development of that land,</p> <p>(d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or</p> <p>(e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.</p> <p>A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p> <p>For the purposes of a planning proposal, a relevant</p>	<p>area. However, it does not rezone land within the flood planning area to a residential, business, industrial, special use or special purpose zone.</p> <p>The requirements of Direction 4.3 are addressed under Byron LEP 2014, which contains provisions under Clause 6.3 Flood planning and 6.4 Floodplain risk management, to:</p> <ul style="list-style-type: none"> • to minimise the flood risk to life and property associated with the use of land, • to allow development on land that is compatible with the land’s flood hazard, taking into account projected changes as a result of climate change, • to avoid significant adverse impacts on flood behaviour and the environment. • to enable evacuation of land subject to flooding above the flood planning level, • to protect the operational capacity of emergency response facilities and critical infrastructure during extreme flood events. <p>This planning proposal does not impose new flood planning related development controls or flood planning levels.</p>	

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p>		
<p>4.4 Planning for Bushfire Protection</p>	<p>Applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.</p> <p>In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made.</p> <p>A planning proposal must:</p> <ul style="list-style-type: none"> (a) have regard to <i>Planning for Bushfire Protection 2006</i>, (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and (c) ensure that bushfire hazard reduction is not prohibited within the APZ. <p>A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</p> <ul style="list-style-type: none"> (a) provide an Asset Protection Zone (APZ) incorporating at a minimum: 	<p>This Planning Proposal will affect land that is partially in the bushfire vegetation buffer with some parts of the SP2 Zoned land in close proximity to Category 1 vegetation.</p> <p>Council will consult with the Commissioner of the NSW Rural Fire Service (RFS) following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57.</p> <p>It is expected that because the Planning Proposal does not facilitate residential development or similar inappropriate development in hazardous areas, a Bushfire Safety Authority, under the Rural Fires Act 1997, will not be required.</p> <p>The RFS will indicate any relevant Asset Protection Zones to be provided as part of any new development in response to agency consultation.</p>	<p>Inconsistent Justified</p>

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<ul style="list-style-type: none"> (i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and (ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road, (b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the <i>Rural Fires Act 1997</i>), the APZ provisions must be complied with, (c) contain provisions for two-way access roads which link to perimeter roads and/or to fire trail networks, (d) contain provisions for adequate water supply for fire fighting purposes, (e) minimise the perimeter of the area of land interfacing the hazard which may be developed, (f) introduce controls on the placement of combustible materials in the Inner Protection Area. 		
5 Regional Planning			
5.1 Implementation of Regional Strategies	This direction applies to land to which the following regional strategies apply:	Not Applicable	N/A

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	(a) South Coast Regional Strategy (excluding land in the Shoalhaven LGA) (b) Sydney–Canberra Corridor Regional Strategy		
5.2 Sydney Drinking Water Catchments	Applies when a relevant planning authority prepares a planning proposal that applies to the hydrological catchment.	Not Applicable	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	The planning proposal must not rezone land mapped as State or regionally significant farmland under the Northern Rivers Farmland Protection Project for an urban use.	The Planning Proposal affects land entirely within a 'Committed Urban Use' on the Northern Rivers Farmland Protection Maps, and is therefore not classified as either Regionally or State Significant farmland.	Consistent
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not Applicable	Not Applicable	N/A
5.5 -5.7 Revoked	-	-	N/A
5.8 Second Sydney Airport: Badgerys Creek	Not Applicable	Not Applicable	N/A
5.9 North West Rail Link Corridor Strategy	Not Applicable	Not Applicable	N/A
5.10 Implementation of Regional Plans	Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.	The consistency of this Planning Proposal with the North Coast Regional Plan is addressed in Section B above.	Consistent
6. Local Plan Making			
6.1 Approval and Referral Requirements	A planning proposal must: (a) minimise the inclusion of provisions that require	The planning proposal does not propose the inclusion of any concurrence, consultation or referral	Consistent

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>the concurrence, consultation or referral of development applications to a Minister or public authority, and</p> <p>(b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:</p> <ul style="list-style-type: none"> (i) the appropriate Minister or public authority, and (ii) the Director-General of the Department of Planning and Environment (or an officer of the Department nominated by the Director-General), <p>prior to undertaking community consultation in satisfaction of section 57 of the Act, and</p> <p>(c) not identify development as designated development unless the relevant planning authority:</p> <ul style="list-style-type: none"> (i) can satisfy the Director-General of the Department of Planning and Environment (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and (ii) has obtained the approval of the Director-General of the Department of Planning and Environment (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act. 	provisions.	

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
6.2 Reserving Land for Public Purposes	A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning and Environment (or an officer of the Department nominated by the Director-General).	This proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.	Consistent
6.3 Site Specific Provisions	<p>Applies when a relevant planning authority prepares a Planning Proposal that will allow a particular development to be carried out.</p> <p>A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:</p> <ul style="list-style-type: none"> (a) allow that land use to be carried out in the zone the land is situated on, or (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. <p>A planning proposal must not contain or refer to drawings that show details of the development proposal.</p>	This Planning Proposal will allow additional permitted land uses without imposing any development standards or requirements in addition to those already contained in the Byron LEP 2014; the principal environmental planning instrument being amended.	Consistent

Section C Environmental, social and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal?

No. The Planning Proposal does not seek to amend planning provisions relating to areas which are known to be ecologically significant land identified for Environmental Protection Purposes.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. All likely known environmental effects are addressed in Section B, Q5 and Q.6 in this Planning Proposal.

Q9. How has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal could have strong positive social effects by activating this important central open space for a range of community uses. The proposed social enterprise use of the station building, although not yet detailed, will result in strong positive social outcomes.

Section D State and Commonwealth interests

Q.10 Is there adequate public infrastructure for the planning proposal?

Yes. The Planning Proposal relates to land in an existing urban area with access to essential infrastructure.

Q.11 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination

State and Commonwealth public authorities were formally involved in this particular Planning Proposal prior to Gateway determination. At this early stage, it appears unlikely that there will be any issues of interest to Commonwealth authorities. State government authorities will be consulted during the public exhibition period.

In accordance with the Gateway Approval, the following public authorities will be consulted:

Public authority/stakeholder	Issue requiring comment
NSW Rural Fire Service	Section 117(4.4) of the <i>Environmental Planning and Assessment Act 1979</i> , Ministerial Direction 4.4 requires consultation with the Commissioner of the NSW Rural Fire Service.
Office of Environment and Heritage	Consideration of ecological issues, Aboriginal and European heritage, as well as flooding and coastal planning.
Transport for NSW	Consideration of use of land within and adjoining the Byron Bay Rail Corridor.
Appropriate Local Aboriginal knowledge-holders and Land Councils	Aboriginal heritage issues.

Part 4 Mapping

The proposed amendments to Byron LEP 2014 will include a new **Local Clause Map**, specifically referencing the clause and illustrating the subject site, as shown in Figure 1 (above).

Part 5 Community consultation

The Planning Proposal was publically exhibited, in a different form, in March 2018. In addition to the matters contained herein, the previously exhibited Proposal sought to include temporary commercial and/or retail uses as permitted within consent for the rail corridor. It also sought to amend the existing provisions of Clause 2.8 of Byron LEP 2014 in relation to temporary land uses, to allow for an increase in the maximum number of days for which approval could be granted, from 14 to 52 days in any 12 month period.

Six individual submissions were received to the previous exhibition. In addition, the Proposal was discussed at a meeting of the Byron Bay Town Centre Guidance Group.

The unanimous view of the Group, and the individual submissions, was that Council should not facilitate commercial uses of the corridor, as such uses would unfairly compete with existing businesses within the town centre.

In response to those comments, the proposal has been amended to remove the previous references to commercial or retail uses within the corridor.

Other changes to this version of the Planning Proposal have been made to refine the way in which the amendment to the LEP can be made to best facilitate activation of the corridor through community uses and activities.

Council will re-exhibit the Planning Proposal. Given that it was previously exhibited, and that the primary change to the currently version is a direct response to comments received, a **21 day public exhibition period** is recommended.

Notification of the re-exhibited Planning Proposal will include:

- a newspaper advertisement that circulates in the Byron LGA, which is the area affected by the Planning Proposal;
- updates to the web sites of Byron Shire Council and the Department of Planning and Environment,
- letters to relevant State Agencies; and
- notification to those who made submissions to the original exhibition.

Part 6 Project timeline

The proposed timeline for the completion of the Planning Proposal is as follows:

Estimated completion	Plan making step
May-June 2018	Re-exhibition of Planning Proposal. Government agency consultation.
June 2018	Analysis of public submissions. Preparation of Council report.
August 2018	Endorsed Planning Proposal submitted to DPE for finalisation.

Summary and conclusions

This Planning Proposal seeks to permit additional uses and exempt development on the subject land to implement the strategic objectives in the Byron Bay Town Centre Masterplan.

This Planning Proposal will not impact on environmental areas and is entirely serviced by urban infrastructure.

This Planning Proposal will have positive social effects by activating and important central 'green space' for the use and enjoyment of the community.

The proposed changes are consistent with the North Coast Regional Plan 2036 and Council's Community Strategic Plan 2027. The land is identified as an existing urban area. An assessment of the planning proposal indicates that it is consistent with relevant SEPPs. It is consistent with all relevant s117 Directions.

There is sufficient information to enable Council to support the planning proposal.

Appendix A Proposed LEP Amendments

Additional Permitted Uses – Local Clause

The following clause is proposed to be added to Part 6 of Byron LEP 2014:

6.10 Use of certain land within the Byron Railway Corridor and at Lawson Street Car Park, Byron Bay

- (1) *This clause applies to land at the Byron Rail Corridor and Station Precinct, being Lot 1 DP 1001454 and Part of Lot 4729 DP 1228104 (extending from Lawson Street to the south west corner of Lot 9 DP 617509) and at Lawson Street South Car Park, being Lot 3 & Part Lot 7 DP 827049.*
- (2) *Despite any other provision of this Plan, development consent may be granted to development on land to which this clause applies for the following purposes:*
 - (a) *community facilities;*
 - (b) *information and education facilities; and*
 - (c) *markets, but only in the case of a relocation of existing markets legally operating elsewhere in Byron Shire.*
- (3) *Despite any other provision of this Plan, development consent may be granted to development of the Station Building, previously used as a ticketing office for the rail station, and the adjacent railway platform, for the purposes community facility that includes a commercial activity undertaken by a not-for-profit organisation or social enterprise.*
- (4) *Despite any other provision of this Plan, the following uses are permitted on the land without development consent:*
 - (a) *landscape works undertaken for the implementation of a Council-endorsed Landscape Concept Plan; and*
 - (b) *recreation area.*

Schedule 2 Exempt Development

The following clause is proposed to be added to Schedule 2 of Byron LEP 2014:

Single one-off events and ceremonies on public reserves and roads

- (1) *This exemption applies to single occurrence cultural and social activities and events, including markets, concerts, festivals, carnivals, entertainment or educational based events, or the like where the land is used for a period not exceeding seven (7) consecutive days.*
- (2) *Must be located in a public reserve, public road, car park, community land, showgrounds, church grounds, Crown land or other appropriate outdoor area.*
- (3) *Must obtain any necessary approvals, including under the Local Government Act 1993 and the Roads Act 1993, if required.*
- (4) *Must make provision for vehicular or pedestrian access, including deliveries, required for adjoining commercial land.*
- (5) *Must comply with all relevant requirements and provisions of Byron Shire Council's Policies:*
 - (a) *Events on Public and Private Land; and*
 - (b) *Temporary Use of Land.*

Delete the following clause from Schedule 2 of Byron LEP 2014:

Entertainment and events on public roads

Must be in accordance with an approval issued under section 125 of the Roads Act 1993.

Appendix B Licence to use Rail Corridor

Appendix C Conservation Management Strategy

Appendix D Contamination Report