

The General Manager
Byron Shire Council

I wish to express my objection to two inclusions contained in the amended proposal for changes to the LEP for the activation of the rail corridor

There are desirable amendments in the new proposal, made in light of submissions and the views of the masterplan leadership group. I would like to register my concerns however with two additions now appearing in the re-exhibited proposal.

Inclusion 1

I am firstly unsure of the full implications of the inclusion of this section of point 2 to Part 6.10 of the LEP:

(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;

My concern is the breadth of these terms particularly 'community facility' which could be construed to include almost anything. Indeed the community facility advocated for the station building (in an accompanying report) is a bar and restaurant. What is the intention behind these inclusions? I believe they need to be more tightly clarified to ensure the emphasis on community use of the area and prevent the pitfalls that were identified in the original activation proposal.

Inclusion 2

My major concern however is with the following inclusion to Part 6 of the LEP: ***(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.***

The implication is that this highly desirable building and outdoor area would be provided to a not-for-profit organisation or social enterprise for no or highly subsidised rent rather than placed for tender on the open market. I object to this proposal for the following reasons:

'Not-for-profit' covers a wide range of enterprises and does not guarantee a philanthropic or social dividend. The accompanying report on the building's circumstances states that an ideal solution to the issues facing the preservation of the building is a bar and restaurant. If the main criteria for selection is the ability to sustain such a business there are likely to be many worthy contenders locked out.

Further to this, how would Council determine which not-for-profit, volunteering or other 'social. enterprise' should be so favoured to the exclusion of all other such organisations in the Shire?

While this type of initiative may be desirable in some more remote regional communities lacking such a drawcard and economic stimulus, this is not the case in Byron Bay. There is

no shortage of the types of commercial activities likely to thrive in this location eg the restaurant/bar referred to.

It would seem most inconsistent to amend the original proposal due to its potential adverse impacts on local businesses to include provision for making such a desirable location available for commercial activity. It makes little difference to the impact on businesses if the commercial activity is undertaken by a for-profit or not-for-profit entity, if special treatment (as in rental subsidy etc) prevails to undermine their ability to compete fairly. Competing for-profit businesses are paying some of the highest rents in the state.

I would ask Council to seriously consider using the building to house a Byron Bay museum

Museum advantages

1. A building that informed and celebrated the local history would be entirely suited to this historic precinct and would be a way to help preserve the area's historical bounty. It would be an invaluable local educational resource and could house a genealogy facility.

2. A museum would be consistent with the aim of making Railway Park a community and family friendly area and would be a valuable addition to the range of uses and attractions of the park.

With the right controls on activities a museum would enhance rather than threaten local trade. Admission and other charges could be used to maintain the building.

3. It could be part of broadening Byron Bay's profile, catering to a more diverse tourist trade.

4. It is possible that a museum, with the right adaptations and retractable/removable enclosure of the platform area (eg cafe blinds) could also provide an additional community and cultural facility.

Advantages of extra community/cultural space

1. While Byron Bay has a reputation for a rich cultural life there are many ways in which the arts could be better encouraged and diversified. While some saw the 'community and exhibition space' in the library building as a general facility for meetings and the fostering of wide cultural development it became 'The Lone Goat Gallery' and is devoted to visual arts and artists who are sufficiently established to arrange and pay for an extended exhibition. The Station Building could help fill the void.

2. Where are the venues for author talks, writers' workshops and book launches. The Byron Bay library, although a huge improvement on its predecessor (and our other shire libraries) are greatly constrained for space, creating huge logistical challenges to hosting literary events. It would be instructive for councillors to read the RTRL newsletters to compare the programs available across the region.

3. While the community centre has an excellent theatre, it is of a standard and price point suited to the type of national and international performers that it attracts. Where are the venues for more low key, local musicians offering a more mellow acoustic performance than the style that dominates the local pub scene?

4. Where are the community facilities in Byron Bay that are affordable to the many on strained incomes, for craft groups, self-help groups, U3A type activities etc. Is it desirable that the Friends of the Libraries have to make such a dint in their annual book fair fundraiser by hiring the surf club when all the profits go to the Shire libraries? What other admirable community groups and activities are constrained by the premium at which real estate is held in Byron Bay? Look at the number of activities listed with a Byron Bay venue in the community notices section of the local papers.

5. A shared space would give a range of worthy shire groups access to this facility rather than one favoured entity and provide Byron Bay locals with better opportunities for socialising and community development.

In summary I would ask Council to consider ensuring that changes to the LEP for this precinct place the emphasis on a genuine community usage rather than simply providing more of the same. An area that encourages a diversification from what is rapidly becoming, for locals and visitors alike, a Byron Bay monoculture.

Liz Levy

Please note: I negotiated an extension of time for this submission with Jamie Van Iersel on 03/08

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

John Lazarus
Convenor Byron Environment Centre

1) "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."

The Byron Bay Town Centre Masterplan is a discredited document that Council cannot demonstrate that community input informed the Plan. Council's attempts to instigate the Plan to date, have met with significant community opposition and regulatory prohibition.

2) "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;"

The proposed commercial land uses are not supported as

- a) the proposed use for the temporary or permanent relocation of the monthly markets is now no longer needed as the present market site has now been determined to be heavily polluted, and thus can not be developed for the Masterplan proposals of multistory apartments, multistory car park and transit centre, and Council and the market licensee have both publicly stated that the site remains fit for markets and that the markets do not need to move from the site.
- b) the proposal eliminates the site's future use for rail transport. Noting the strong public support for the award winning solar electric powered train that currently operates from the CBD to the northern suburbs, and the publicly demonstrated support to extend the service through this present rail corridor site to the south of the CBD, to create a viable cross town public transport system.
- c) the proposal eliminates the station building from use as servicing future rail transport
- d) there is no identification of actual proposed use of the railway station building
- e) the proposed use of the rail corridor are commercial not community, and the proposed use of the station building include potential commercial use, and thus there is no capacity for this proposal to guarantee any community use of either the rail corridor or the station building. This proposal misrepresents use as community to misrepresentatively list Single Temporary Events and Ceremonies within Schedule 2 of the LEP as Exempt

3)"In particular, the intended outcomes of the amendments are:

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."

This outcome is not supported as it

- a) removes development activities from public advertisement notices and public submission
- b) removes development from complying with ecological assessment
- c) removes development licences and leases from being publicly tendered

4) This Planning Proposal relates specifically to land shown in Figure 1, currently zoned SP2

Infrastructure,

The Infrastructure SEPP does not facilitate the proposed developments

5)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

The proposed developments have not demonstrated compliance with the sites heritage listing, nor would any future development carried out under Exempt development have any heritage considerations

6)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.

The Conservation Management Strategy does not account for endangered and critically endangered species (such as Mitchells Rainforest Snails) that inhabit adjacent vegetation and are known to use this rail corridor land

7)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.

Council is presently reviewing these planning controls and, after recent public workshops on these proposed planning controls, has responded in correspondence

to myself that they will be responding with a Report to Councillors to not proceed with proposed general increase of height limits and a reconsideration of the proposed extension of central CBD height limits. The Butler St bypass is underfunded by approx \$M6, and a recent Report to Councillors put to them the need for a decision on whether it proceeds. so there can be no confidence in any of these planning controls being enacted.

8)The proposed amendments are intended to ensure permissibility of appropriate land uses that maintain the character of Byron Bay Town Centre.

The proposed amendments give inappropriate minimal consent conditions to intrude inappropriate 'community' commercial activity on present open space/potential rail transport land, with little community development oversight, or capacity for community input, and will adversely alter, not maintain the character of Byron Bay. Further extension of commercial activity on to present open space is NOT the character of Byron Bay

9)New exempt development provisions are proposed to introduce more simplified development approval processes for low impact, 'pop-up' events and activities, where appropriate

Exempt development status is inappropriate for commercial development and inappropriate for proposed development adjacent, and close to, existing residential and tourist accommodation and existing business. Noting that the proposed developments would include daily early noisy traders set ups, and developments generally incorporating live music entertainment and high levels of traffic

10) 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:

landscape works undertaken for the implementation of a Council-endorsed Landscape Concept

Plan, permitted without consent

Implementing Concept Plans without any actual final construction plans removes all community oversight or input and is totally unacceptable

11)The intention of the amendment is to facilitate the upgrade and beautification of the corridor

The railway corridor should be kept and used as a transport corridor in compliance with its present State Government legislative requirements. Beauty is in the eye of the beholder. No Shire resident, without a pecuniary conflict of interest, would consider the proposed commercial development as beautiful.

12)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.

These raft of proposals are all Major developments involving Major changes to use, and potentially Major impacts, both on the present open space legislated transport corridor and on the heritage listed railway station and yards, and should not be classed as Exempt development. The proposals involves Major activity changes and Major works that should be considered under different compliance codes than Exempt and Complying Development

13) 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.

Council is being disingenuous. The planning proposal proposes to class a "one off event" as a development that occurs for 7 days, as Exempt or Complying development with little capacity of public input or Council assessment under the EP&A Act 1979, and absent of any significant subsequent Conditions of Consent.

14) 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,

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**

This is complete propaganda allegedly informing this process

- **The most stunning environment in NSW** -: The State Government has eroded protection of the Shires natural environment, on land by erosion of management of native vegetation, on development by refusing Council capacity to use allegedly state standard LEP Zones, and in reducing environmental protection in the Cape Byron Marine Park
- **A thriving, interconnected economy** -: We are one of the poorest communities in NSW, with one of the lowest household incomes, and one of the lowest individual take home pay.
- **Vibrant and engaged communities** -: 30.7 % of residents on the voting roll refused to cast a vote in the last Council election. With intentionally spoiled votes, and significant contempt from a large portion of those that actually cast a vote, it is demonstrated that the majority of Shire residents are completely disengaged.
- **Great housing choice and lifestyle options** -: , Byron Shire has excessively high house prices and rents equivalent to the inner city of Sydney. 20% of residential houses have been turned into holiday let tourist accommodation, with recent State Government Consent for every house to be removed from residential to tourist accommodation. We already have twice the State average of empty homes in winter, and several hundred homeless residents. Lifestyle options - reduce breakfast to one slice of toast and margarine?

15) Corporate Management... accountable decision making.

Council has demonstrated that the Masterplan that allegedly informed this proposal has no accountable decision making. Councils response to my request to

demonstrate any public input that informed the Masterplans developments, was ' submit a \$30 Application and pay \$30 per hour for staff to go through the last 2 years of the Masterplan process to find the community input that allegedly informed the Masterplan