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Rob van Iersel
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Byron Shire Council
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By email: rob.vaniersel@byron.nsw.gov.au

Dear Mr van Iersel

Planning Proposal Re-Exhibition 26.2017.5.1 – amendment of Byron Local Environmental Plan 2014 – Byron Bay Town Centre: Activation of Public Spaces.

I refer to your letter dated 9 July 2018 seeking comments on the abovementioned planning proposal. The amended planning proposal seeks to:

- *facilitate community use of the rail corridor, implement endorsed landscape plans and permit a social enterprise use of the station building, previously used as a ticketing office for the rail station; and*
- *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.*

The subject lands proposed to be included in 'Schedule 1 Additional Permitted Uses' of Byron Local Environmental Plan (BLEP) 2014 incorporates the heritage item 'Byron Bay Railway Station and yard group' (SHR 01107) listed on the State Heritage Register (SHR). The subject lands are also located within the 'Railway precinct, Byron Bay Conservation Area' listed on 'Schedule 5 Environmental heritage' of BLEP 2014 and include local heritage items.

It is noted that in a letter dated 27 April 2018, the delegate of the Heritage Council of the NSW raised no objections when commenting on an earlier version of the planning proposal that sought to amend BLEP 2014 to introduce planning provisions including:

1. *To specify additional uses that will be permitted with consent on land at:*
 - a) *Byron Bay Rail Corridor (Zone SP2 Infrastructure- Rail Corridor) – to permit Markets and other temporary, creative “pop-up” activities that cannot otherwise be carried out as Exempt Development;*

The current planning proposal differs from the above in that it seeks to allow specific various uses such as, community facilities, information and education facilities, markets and intends to use the Station Building and the adjacent railway platform, for *“community facility that includes a commercial activity undertaken by a not-for-profit organisation or social enterprise permissible with consent. Further, the proposed amendment will allow landscape works undertaken for the implementation of a Council-endorsed Landscape Concept Plan within the SHR curtilage permissible without development consent”*.

It is noted that 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 and that the Council is also in the process of preparing a Conservation Management Plan (CMP) for the corridor.

The Heritage Council of NSW strongly supports adaptive reuse of the redundant railway infrastructure. However, the Heritage Council must also ensure that proposed uses or changes to the buildings that could impact on the significant heritage values of Byron Bay Railway Station and yard group are properly considered within the context of the heritage significance of the item and avoid decisions being made that significantly erode or compromise the site.

It is recommended that the planning proposal be put on hold while Council finalise their CMP for the corridor, and once endorsed by the Heritage Council, this CMP is referenced in the planning proposal as the overarching management document for the site. This will ensure that there is an overall conservation document that provides a robust framework for future decision making regarding the potential uses of the property so that the heritage significance of the site will continue for future generations. It is also recommended that once finalised, this CMP is submitted for endorsement by the Heritage Council of NSW.

Accordingly, the planning proposal seeking an inclusion of variety of uses mentioned above within Schedule 1 – Additional Permitted Uses of BLEP 2014 at ‘Byron Bay Railway Station and yard group’ is not supported *at this stage*.

Previous Heritage Council comments regarding the proposed changes to Schedule 2 Exempt Development remain valid.

If you have any questions regarding the above matter please contact Vibha Upadhyay, Senior Heritage Assessment Officer, at the Heritage Division, Office of the Environment and Heritage by telephone on 02 98738587 or email at vibha.upadhyay@environment.nsw.gov.au.

Yours sincerely



09/08/2018

Katrina Stankowski

Senior Team Leader, Regional Heritage Assessments, North

Heritage Division

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As delegate of the Heritage Council of NSW