



**Planning Proposal**  
**for Amendment of Byron Local Environmental Plan 2014**  
**Additional Permitted Uses**  
**Old Byron Hospital Site**  
**10-12 Shirley Street, Byron Bay**

Byron Shire Council  
Authority Ref: 26.2019.7.1

**Post Exhibition Version #1**

**April 2020**

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**Document History**

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| E2019/65740 |              | DRAFT Planning Proposal Pre Gateway Version #1   |
| E2020/2138  | January 2020 | Exhibition version – with APU map as per Gateway |
| E2020/2138  | April 2020   | Post exhibition version – updated APU map letter |
|             |              |  |

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## Part 1 Introduction

### Objective and intended outcomes

The objective of this Planning Proposal is to amend Byron Local Environmental Plan 2014 (LEP 2014) to facilitate a number of community-focused land uses at the old Byron Bay Hospital site, Shirley Street Byron Bay.

The intended outcome of the Planning Proposal is to amend Schedule 1 of the LEP to add the following as additional permitted land uses for the site:

- Office premises;
- Light industry, being for a commercial kitchen with a maximum floor space of 100m<sup>2</sup>; and
- Restaurant/ café.

The amendment to the LEP will not alter the existing R2 zoning of the land.

### Property details and existing zone

The property is located at Lot 1 DP847910, at the corner of Shirley and Wordsworth Streets, Byron Bay. The whole of the land is zoned R2 Low Density Residential under Byron Local Environmental Plan (LEP) 2014.



Figure 1 Subject land

## Background

In June 2018, Byron Shire Council, on behalf of the community, submitted a proposal to the NSW Department of Premier and Cabinet to return the Byron hospital to the local community to “*provide vital and currently lacking welfare, social, cultural and educational services*” for the Byron community.

This followed the work of a community steering committee concerned about the potential loss of this centrally-located public asset so close to the Byron Bay Town Centre.

Following negotiations with the State Government, Council resolved in May 2019 to purchase the site and to classify it as operational land. The property is now owned by Council, who continues to work with the community to plan for the adaptive reuse of the site.

The contract of sale, between Council and the NSW Government, includes a clause specifying the “allowed purposes” for which the property can be used, which are:

- *Community facility*
- *Educational establishment*
- *Information and education facility*
- *Health services facility*
- *Food and drink premises*
- *Office premises*
- *Any other use which, in the Purchaser’s reasonable opinion, has similar characteristics and/or is ancillary to the above uses.*

Negotiations are advancing with tertiary education institutions to establish an education precinct within the existing building. Tertiary education is a land use permissible with consent, subject to *State Environmental Planning Policy (Education establishments and Child Care Facilities) 2017*.

In addition to this educational component, the community is looking to utilise the site to provide an administration centre for a range of community organisations and to provide a home for a not for profits.

There is also a desire to adaptively reuse the existing hospital kitchen as a commercial kitchen for hire. The existing café/ kiosk would be retained as a café to service students and other site users.

The site is zoned R2 Low Density Residential under Byron Local Environmental Plan 2014. Non-residential land uses are therefore limited, and the intention of this Planning Proposal is to amend Schedule 1 of the LEP to list a range of additional permitted uses for the land, consistent with community’s vision for the adaptive reuse of the previous community asset.

## Part 2 Explanations of Provisions

The planning proposal seeks to amend Byron LEP 2014 by adding the following additional item within Schedule 1:

### Use of certain land at Shirley Street, Byron Bay

- (1) This clause applies to land at Shirley Street, Byron Bay, being Lot 1 DP847910, and identified as “Area G” on the Additional Permitted Uses Map.
- (2) Development for the following purposes is permitted with consent:
  - (a) Office premises;
  - (b) Light industry, being a commercial kitchen with a maximum floor space of 100m<sup>2</sup>; and
  - (c) Restaurant/ café.

## Part 3 Justification

### Section A – Need for the Planning Proposal

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

No. The Planning Proposal results from Council's acquisition of the former Byron Bay Hospital site.

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

The land uses proposed to be permitted on this property are currently prohibited in the R2 Low Density Residential Zone.

Notwithstanding the residential zoning, the site has a long history of use for community purposes as it previously functioned as a hospital, and the Planning Proposal will assist in maintaining that community focus for the land without intensifying the uses.

It is suggested that changing the zoning for the property is not appropriate in the absence of a more precinct-based strategic assessment of this part of Byron Bay. At this time, there is little justification for such a wider study.

### Section B – Relationship to strategic planning framework

#### Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

The subject site is located within the Urban Growth Area boundary under the *North Coast Regional Plan 2036 (NCRP)*.

The planning proposal is consistent with the following *Regional Priority*, identified for Byron Shire within the Regional Plan:

*Support a strong and diversified economy based on Byron Shire's unique character, landscapes and important farmland.*

#### Q4. Will the planning proposal give effect to a council's endorsed local strategic planning statement or another endorsed local strategy or strategic plan?

In 2012, Council adopted a 10 year + Community Strategic Plan 2022 (CSP). The plan is based on five key themes being Corporate Management, Economy, Environment, Community Infrastructure, Society and Culture. The themes or objectives are relevant to this Planning Proposal:

|   |   |
|---|---|
| <b><i>Economy:</i></b> A sustainable and diverse economy which provides innovative employment and investment opportunities in harmony with our ecological and social aims | The Planning Proposal supports the economy through creating employment linked to local community services.  |
| <b><i>Society and Culture:</i></b> Resilient, creative and active communities with a strong sense of local identity and place   | Adaptive reuse of the old Byron Bay hospital site for the community uses proposed will strengthen the local identity. Together within the tertiary education proposal, the proposed uses will result in a strong community hub serving the local population |

The CSP has recently undergone review. It is now underpinned by the following four vision components:

|   |  |
|---|--|
| <i>Our community is empowered to be creative, innovative and listened to as</i> | The Planning Proposal is a direct result of an active community group working closely with government to |
|---|--|

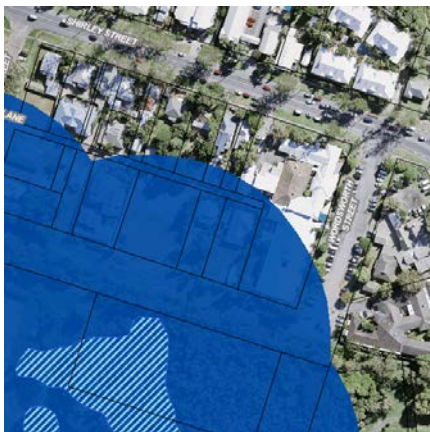


|   |  |
|---|--|
| <i>we shape the future way of living that we want</i>   | achieve positive community outcomes.   |
| <i>While we strongly protect our Shire; its natural environment, lifestyle, diversity and community spirit, we welcome visitors and the contribution they make to our culture</i> | Not directly relevant.   |
| <i>Our future is sustainable, we have the services and infrastructure we need to thrive, and we encourage and support local business and industry</i>                             | The Planning Proposal will assist in the delivery of important community services. |
| <i>We foster the arts and cultural activities, respect and acknowledge our first peoples and celebrate and embrace diverse thinking and being</i>                                 | The Planning Proposal will assist in delivering local cultural outcomes.           |

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

**Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?**

Yes. The State Environmental Planning Policies (SEPP) relevant to this planning proposal are addressed below.

| <b>SEPP</b>  | <b>Compliance of Planning Proposal</b>   |
|--|--|
| SEPP (Education Establishments and Child Care Facilities) 2017 | Negotiations are advancing with tertiary institutions to establish an education campus. This land use is permissible with consent subject to State Environmental Planning Policy (Education establishments and Child Care Facilities) 2017.  |
| SEPP 55 Remediation of Land                                    | Preliminary site investigations were undertaken and have identified some contamination on the site.<br>A remediation action plan (RAP) was developed by Council, and some remediation works have been undertaken. It is anticipated that the site will be suitable for the proposed uses by the time the proposed amendments are completed. As Council owns the land, it is in a position to ensure that these works are completed to a suitable standard prior to the LEP amendment being made. |
| SEPP (Coastal Protection) 2018                                 | The property is mapped within the Coastal Use Area under this SEPP. It is also in proximity to a mapped Coastal Wetland, located as shown below:<br>   |

|  |   |
|--|---|
|  | The Planning Proposal does not facilitate any uses of the site that would physically impact the nearby wetland. |
|--|---|

**Q7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?**

Unless otherwise noted the Planning Proposal is consistent with applicable Ministerial Directions as follows:

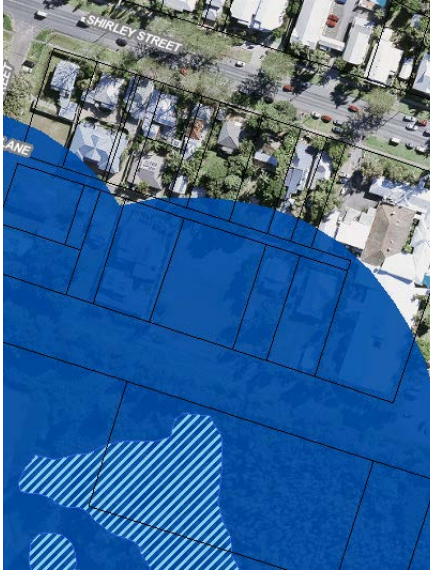
| <b>S9.1 Direction</b>                                      | <b>Application</b>   | <b>Relevance to this planning proposal</b>   | <b>Consistency with direction</b> |
|--|--|--|-----------------------------------|
| <b>1. Employment and Resources</b>                         |  |  |                                   |
| 1.1 Business and Industrial Zones                          | 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).  | Not applicable.  | N/A                               |
| 1.2 Rural Zones  | 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).<br>Under this direction a planning proposal must:<br>(a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.<br>(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). | The Planning Proposal does not affect any Rural land.  | N/A                               |
| 1.3 Mining, Petroleum Production and Extractive Industries | Applies when a relevant planning authority prepares a planning proposal that would have the effect of:<br>(a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or<br>(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.                                | Nothing in this Planning Proposal will prohibit or restrict exploration or mining or the extraction of other material. | N/A                               |




| S9.1 Direction         | Application   | Relevance to this planning proposal  | Consistency with direction |
|------------------------|---|--|----------------------------|
| 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"> <li>(a) adverse impacts on a Priority Oyster Aquaculture Area or a “current oyster aquaculture lease in the national parks estate”, or</li> <li>(b) incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or a “current oyster aquaculture lease in the national parks estate” and other land uses.</li> </ul>  | The Planning Proposal does not impact on any Priority Oyster Aquaculture Areas (POAA). | N/A                        |
| 1.5 Rural Lands        | <p>Applies when:</p> <ul style="list-style-type: none"> <li>(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</li> <li>(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.</li> </ul> <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> | The Planning Proposal does not affect Rural Land                                       | N/A                        |

## 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</p> | The Planning Proposal does not alter or remove any environment protection zone. | N/A |
|----------------------------------|--|---|-----|

| S9.1 Direction            | Application  | Relevance to this planning proposal  | Consistency with direction |
|---------------------------|--|--|----------------------------|
|                           | does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 “Rural Lands”.   |  |                            |
| 2.2 Coastal Protection    | Direction applies when a relevant planning authority prepares a planning proposal that applies to land in the coastal zone.  | <p>The property is mapped within the Coastal Use Area under this SEPP. It is also in proximity to a mapped Coastal Wetland, located as shown below:</p>  <p>The Planning Proposal does not facilitate any uses of the site that would physically impact the nearby wetland. The proposal intends to adaptively re-use the existing building and would not intensify uses on the site.</p> | Consistent                 |
| 2.3 Heritage Conservation | <p>A planning proposal must contain provisions that facilitate the conservation of:</p> <p>(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,</p> | <p>The Planning Proposal does not impact on the existing heritage conservation area that covers the site.</p> <p>The adaptive re-use of the existing building will ensure that its heritage value is retained and re-purposed for important community facilities. <i>[Note: the building itself is not listed as a heritage item]</i></p> <p>There are two registered Aboriginal sites within 200m of the site, the proposal will not</p>                                    | Justifiably Inconsistent   |

| S9.1 Direction  | Application  | Relevance to this planning proposal  | Consistency with direction |
|---|--|--|----------------------------|
|   | <p>(b) Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i>, and</p> <p>(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 authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</p> | physically impact these sites.   |                            |
| 2.4 Recreation Vehicle Areas                            | 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> ).  | The Proposal does not enable land to be developed for the purpose of a recreation vehicle area.  | N/A                        |
| <b>3. Housing, Infrastructure and Urban Development</b> |  |  |                            |
| 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>   | The Planning Proposal does not affect the possible density or mix of dwelling types on the land. | Consistent                 |
| 3.2 Caravan Parks and Manufactured Home Estates         | Applies when a relevant planning authority prepares a planning proposal that identifies suitable zones, locations and provisions for caravan parks.  | Not applicable to this Planning Proposal.  | N/A                        |
| 3.3 Home Occupations                                    | Planning proposals must permit home occupations to be carried out in dwelling-houses without the need for development consent.   | This proposal does not alter home occupation provisions in Byron LEP 2014.                       | N/A                        |
| 3.4 Integrating Land Use and Transport                  | 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   | This Planning Proposal will provide valuable community services close to Byron Bay Town Centre.  | Consistent                 |

| S9.1 Direction                          | Application   | Relevance to this planning proposal   | Consistency with direction |
|---|---|---|----------------------------|
|   | purposes.   |   |                            |
| 3.5 Development Near Licensed Aerodrome | 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.               | The Planning Proposal will not alter provisions on land in the vicinity of the Tyagarah aerodrome.  | N/A                        |
| <b>4. Hazard and Risk</b>               |   |   |                            |
| 4.1 Acid Sulfate Soils                  | 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>The land is mapped as being affected by Acid Sulfate Soils Class 3 (ASS) (see map below).</p> <p>Byron LEP 2014 contains clause 6.1 to address ASS in any future DA but this Direction requires Council to be confident that the change of land use is appropriate in this case.</p> <p>Given the intention to adaptively re-use the existing building, an acid sulfate soils study assessing the appropriateness of the change of land uses is not considered necessary at this time.</p> | Inconsistent               |
|   |   |   |                            |
| 4.2 Mine Subsidence                     | Applies when a relevant planning authority prepares a planning proposal   | This Proposal does not impact   | N/A                        |

| S9.1<br>Direction                          | Application  | Relevance to this planning<br>proposal  | Consistency<br>with<br>direction |
|--|--|---|----------------------------------|
| and Unstable<br>Land                       | that permits development on land that is within a mine subsidence district.  | on any mine subsidence area.  |                                  |
| 4.3 Flood<br>Prone Land                    | 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>Some of the land affected is identified as being flood affected in a 1 in 100 year event. The area is not a known floodway and not in a high hazard zone.</p> <p>The planning proposal will not impose flood controls on development above the flood planning level.</p> <p>Development in flood prone areas is subject to the provisions of existing clause 6.3 of the Byron LEP 2014, which will apply at development stage.</p> <p>The existing building will be adaptively re-used on the site, and will not intensify the uses of the site.</p>   | Justifiably<br>Inconsistent      |
| 4.4 Planning<br>for Bushfire<br>Protection | 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>The forest and remnant vegetation located at the rear and near the boundaries of the subject site is classified as bushfire prone land.</p> <p>A Bushfire Hazard Report has not been undertaken.</p> <p>This Direction will not be resolved until consultation with the Rural Fire Service has been undertaken.</p> <p>Council will conduct consultation during notification of the Planning Proposal, and any recommendations from the Rural Fire Service will be incorporated in the Planning Proposal.</p> <p>The bushfire hazard will also be addressed at Development Application stage</p> | Justifiably<br>Inconsistent      |
| <b>5. Regional Planning</b>                |  |   |                                  |
| 5.1<br>Implementation<br>of Regional       | Planning proposals must be consistent with a regional strategy released by the Minister for Planning.  | See above.  | Consistent.                      |

| <b>S9.1 Direction</b>  | <b>Application</b>  | <b>Relevance to this planning proposal</b>  | <b>Consistency with direction</b> |
|--|---|---|-----------------------------------|
| Strategies   |   |   |                                   |
| 5.2 Sydney Drinking Water Catchments   | Applies when a relevant planning authority prepares a planning proposal that applies to the hydrological catchment.   | The Proposal is not within this catchment.  | 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 does not affect land mapped as regionally significant farmland. | N/A                               |
| 5.4 Commercial and Retail Development along the Pacific Highway, North Coast | Applies to land located on “within town” segments of the Pacific Highway.   | Not relevant to this Planning Proposal.   | N/A                               |

## 6. Local Plan Making

|  |  |   |     |
|--|--|---|-----|
| 6.1 Approval and Referral Requirements | <p>A planning proposal must:</p> <ul style="list-style-type: none"> <li>(a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</li> <li>(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: <ul style="list-style-type: none"> <li>(i) the appropriate Minister or public authority, and</li> <li>(ii) the Director-General of the Department of Planning and Environment (or an officer of the Department nominated by the Director-General),</li> </ul> prior to undertaking community consultation in satisfaction of section 57 of the Act, and</li> <li>(c) not identify development as designated development unless the relevant planning authority: <ul style="list-style-type: none"> <li>(i) can satisfy the Director-General</li> </ul> </li> </ul> | The Planning Proposal will not include provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority. | N/A |
|--|--|---|-----|



| S9.1 Direction                         | Application   | Relevance to this planning proposal   | Consistency with direction |
|--|---|---|----------------------------|
|  | <p>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</p> <p>(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.</p>   |   |                            |
| 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).   | The Planning Proposal does not alter or reduce existing zonings or reservations of land for public purposes.  | N/A                        |
| 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> <p>(a) allow that land use to be carried out in the zone the land is situated on, or</p> <p>(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</p> <p>(c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those</p> | <p>The Planning Proposal will facilitate nominated development to be carried out. Specific uses are proposed for the site to ensure that it remains consistent with the zoning of the land and surrounding area and does not lead to an intensification of uses.</p> <p>It is considered that the additional local clause is the appropriate mechanism in this case, rather than changing the zoning of the land, in order to retain the residential focus of the area and objectives for the site – namely <i>“To enable other land uses that provide facilities or services to meet the day to day needs of residents”</i>.</p> | Justifiably inconsistent.  |

| S9.1<br>Direction | Application  | Relevance to this planning<br>proposal | Consistency<br>with<br>direction |
|-------------------|--|--|----------------------------------|
|                   | <p>already contained in the principal environmental planning instrument being amended.</p> <p>A planning proposal must not contain or refer to drawings that show details of the development proposal.</p> |  |                                  |

### Section C – Environmental, social and economic impact

**Q8. 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?**

The amendments proposed will not adversely affect critical habitat or threatened species, populations or ecological communities, or their habitats.

**Q9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

There are negligible environmental effects likely as a result amendments outlined in this Planning Proposal.

**Q10. Has the planning proposal adequately addressed any social and economic impacts?**

The planning proposal could have strong positive social and economic impacts by providing a community hub for local people and businesses, close to Byron Bay Town Centre. It will provide valuable community services, as well as an education facility for local people, and offices that provide a home for local businesses. The commercial kitchen will also provide social and economic benefits and support the other uses on the site. Given the site's previous use as a busy hospital the intended community uses are considered to be less intensive and therefore have minimal impact on the surrounding areas.

An AHIMS Search conducted in September of 2019 with a 200 metre buffer around the site indicates that there are two (2) registered Aboriginal sites on or within 200 metres of Lot 181. Liaison with the local Aboriginal community is required as a part of the public exhibition of the planning proposal. Given the adaptive re-use of the existing building, a Cultural Heritage Study is not considered necessary at this stage.

### Section D – State and Commonwealth interests

**Q11. Is there adequate public infrastructure for the planning proposal?**

There is adequate public infrastructure to support the additional uses contained in the proposal. The site is well serviced by water sewer and electricity. The existing building will remain in place and will be adaptively re-used to service the needs of the community.

There will be no net increase in parking demands or traffic generation as the site previously functioned as a busy hospital and the intended future uses are considered less intense than this historical function. It is anticipated that the existing parking onsite and in the surrounding areas will be sufficient to service the site.

**Q12. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?**

State and Commonwealth public authorities have not been formally involved in this particular Planning Proposal as it is yet to receive Gateway Approval. 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. It is suggested that the following State agencies are contacted for comment during the public exhibition of the planning proposal:

| Public authority/stakeholder   | Issue requiring comment   |
|--|---|
| NSW Rural Fire Service   | Section 9.1 of the Environmental Planning and Assessment Act 1979, Ministerial Direction 4.4 requires consultation with the Commissioner of the NSW Rural Fire Service. |
| Department of Planning, Industry and Environment (Previously Office of Environment and Heritage) | Consideration of ecological and Aboriginal heritage issues relevant to the site as well as flooding and acid sulfate soils.   |
| Roads and Maritime Authority   | Ewingsdale Road traffic and intersection impacts.   |

## Part 4 Mapping

The Planning Proposal will include the land at the Old Byron Hospital Site Lot 1 DP847910 in the additional permitted uses map in Byron LEP 2014 as Area G. A Draft of the Map is included in **Appendix D**.

## Part 5 Community Consultation

Community engagement will continue to be an important component of this planning proposal process. Engagement activities to date have included:

- Site meetings and discussions with the Byron Hospital Steering Committee, Councillors and staff;
- Meetings with State government representatives;

In addition to any consultation requirements that may come with a Gateway Determination, the following activities are also proposed:

- Dialogue and letters to neighbouring landowners to ensure Council continues to understand and respond to any issues of concern
- Attendance at meetings of the Byron Bay Town centre Masterplan Guidance Group to keep members informed throughout the process and ensure that Council staff and Councillors remain aware of local issues and concerns; and
- Consultation with the local Aboriginal Community (including the Bundjalung of Byron Bay Corporation [Arakwal])
- Wider consultation with the Byron community.

## Part 6 Project Timelines

An indicative project timeline is provided in the table below:

| Plan making step   | Estimated Completion |
|--|----------------------|
| Gateway Determination  | January 2020         |
| Government Agency consultation   | February 2020        |
| Public Exhibition Period   | February 2020        |
| Submissions Assessment   | March 2020           |
| Council assessment of planning proposal & exhibition outcomes                                    | May 2020             |
| Submission of endorsed LEP amendment to Parliamentary Counsel for drafting (delegated authority) | May 2020             |

|   |           |
|---|-----------|
| Council to make the LEP amendment (delegated authority)   | July 2020 |
| Forwarding of LEP amendment to Department of Planning & Environment for notification (if delegated) | July 2020 |

## Conclusion

This Planning Proposal seeks to introduce a new local clause into Byron LEP 2014 to provide for a range of land uses at the old Byron Hospital Site, that are ancillary to and supportive of the other uses on the land and in the surrounding areas.

The specific provisions will ensure that the land remains compatible with surrounding areas and that the site does not become purely commercial, but rather meets the needs of the community, which have been identified by the steering committee through extensive community consultation. These uses provide valuable space for local organisations to house their offices and provide services to their employees. The adaptive reuse of the existing building will ensure that the uses exist in agreement with the wider area.

This Planning Proposal will not impact on environmental areas nor create unreasonable demand on urban infrastructure.

This Planning Proposal will have positive social and economic effects by offering additional employment and trading opportunities for local people and businesses, as well as much needed space for the administration of community organisations.

The proposed LEP amendments are generally consistent with the North Coast Regional Plan. An assessment of the planning proposal indicates that it is consistent with relevant SEPPs and most of the relevant s117 Directions.

There is sufficient information to enable Council to support the planning proposal and forward it to the Department of Planning and Environment for a Gateway determination.

## Appendix A Proposed LEP Amendments

The following clause is proposed to be added to Schedule 1:

**9 Use of certain land at Shirley Street, Byron Bay**

- (1) *This clause applies to land at 10-12 Shirley Street (known as the “Old Byron Hospital Site”) being Lot 1, DP 847910, and identified as “Area G” on the Local Clause Map.*
- (2) *Development for the following purposes is permitted with consent:*
  - (a) *Office premises;*
  - (b) *Light industry for the purpose of a commercial kitchen with a maximum floor space of 100m<sup>2</sup>; and*
  - (c) *Restaurant/ café.*

## **Appendix B    Hazardous Materials (HAZMAT) Report**



## **Appendix C   Remediation Action Plan**

## Appendix D Draft Additional Permitted Uses Map

### Proposed



## Current

