



Planning Proposal 26.2016.4.1
Amendment of Byron Local Environmental Plan 2014
Rural Event Sites

Byron Shire Council

Post Exhibition Version

Date: June 2019

Document History

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Table of Contents

Part 1	Introduction.....	1
1.1	Objective and intended outcomes	1
1.2	Background.....	1
Part 2	Explanation of provisions.....	3
2.1	Proposed Local Provision.....	3
Part 3	Justification	5
Section A	Need for the planning proposal	5
	Q1 Is the planning proposal a result of any strategic study or report?.....	5
Section B	Relationship to strategic planning framework	8
	Q5.Is the planning proposal consistent with the applicable State Environmental Planning Policies (SEPPs)?	8
Section C	Environmental, social and economic impact	27
	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?	27
	Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	27
	Q9. How has the planning proposal adequately addressed any social and economic effects?	27
Section D	State and Commonwealth interests	27
	Q.10 Is there adequate public infrastructure for the planning proposal?	27
	Q.11 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination.....	27
Part 4	Mapping.....	29
Part 5	Community consultation.....	29
Part 6	Project timeline.....	30
	Summary and conclusions	30
Appendix A	Proposed LEP Amendments.....	31

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 provide an approval mechanism for *Rural Event Sites* on land zoned RU2 Rural Landscape, in a way that provides for a level of certainty for the events industry while protecting the rural amenity of neighbourhoods.

For the purposes of this Proposal, *Rural Event Sites* refers to the temporary use of properties within the RU1 Rural Landscape zone where weddings and other similar gatherings and/or events are held for commercial purposes.

The intention is to create a mechanism that provides a temporary land use approval, for a specified maximum number of annual events over a three (3) year approval period.

Subject to demonstrated satisfactory operation (i.e. operation that does not disturb neighbours or detrimentally impact on rural amenity), proponents would be able to seek further three (3) year approvals.

The Planning Proposal seeks to achieve this by inserting a new local provision into the LEP, which outlines a range of planning controls to ensure that such commercial *Rural Event Sites* will be located and managed so that events do not result in disturbance of adjoining land owners or adverse impacts on rural amenity, farming or areas of high environmental value.

Details of the suggested LEP amendments are outlined in **Appendix A** and explained further below.

This Planning Proposal does not address ‘one-off’ private events within the rural area, for which approvals are not required.

1.2 Background

Council has recently prepared a Rural Land Use Strategy. In part, that Strategy addresses *Rural Event Sites*, recommending the following action:

Investigate the potential for allowing ‘wedding venues’ in rural zones and, where appropriate, planning provisions to ensure their location, scale and operation are compatible with the rural setting.

The action follows the growth of the wedding industry in Byron Shire, which has involved a significant expansion of activities in rural areas.

In recent years, Council has received complaints regarding a number of unauthorised wedding venues in the rural parts of the Shire, resulting in a variety of compliance actions. A number of development applications have also been dealt with, the majority of which have been withdrawn or refused.

Under the current provisions of Byron Local Environmental Plan 2014, commercial wedding venues, which are defined as *function centres* for the purpose of the LEP, are prohibited in the RU1 Primary Production and RU2 Rural Landscape zones, and permitted with consent in the RU5 Village zone. *Rural Event Site* does not yet exist as a separate definition in the LEP.

Within the Byron Shire hinterland, previous development applications have been lodged under Clause 2.8 of the LEP, which allows consideration of any use of land on a temporary basis, even if that use is otherwise prohibited, subject to a range of merit considerations, including the potential for adverse amenity impacts.

A previous Land & Environment Court judgement in relation to a wedding venue approval in Hawkesbury Shire has highlighted the absolute nature of the controls included in Clause 2.8 (which is a Standard Template LEP provision).

Council cannot approve a temporary use under that clause unless it is satisfied that (amongst other things) there will not be **any** adverse impacts on the amenity of the neighbourhood [**emphasis added**].

The key finding of the judgement was that this is absolute, i.e. Council cannot turn its mind to whether a potential adverse impact might be acceptable in the circumstances; if an adverse impact is identified, Council is prevented from granting approval.

Consultation with wedding industry representatives, and with rural residents previously impacted by unauthorised events, suggests that, on appropriate sites, the adverse impacts of rural events can be managed, through an approval process that combines a range of site location and event management criteria.

At the ordinary meeting of 23 November 2017, Council resolved (**17-594**):

That Council, for the purposes of community consultation:

1. *Prepare a draft Planning Proposal to amend Byron Local Environmental Plan 2014 to insert a clause permitting function centres with consent in zones RU1, RU2 and R5 subject to a range of controls which will manage impacts on existing residents.*
2. *Conduct information sessions in all rural communities where the proposal may have affect.*
3. *Issue a media release and Council website post at least two weeks prior to the first information session to advise the community of the planning proposal with notice of all information sessions.*
4. *Following completion of the information sessions and other community consultation, a report be received by Council with a review of the community meetings and consultation.*

Following this resolution, Council undertook community information sessions across the Shire, and generated web-based opportunities for public comment.

The aim of the engagement was to get input from the community as to how Council should manage the issue of rural events, particularly relating to wedding venues.

171 individual survey responses were received. In addition, approximately 80 people attended the community information sessions and approximately 20 individual submissions were received.

Overall, it was clear that the community is divided about whether to permit commercial event venues in the rural zones. In response to that direct question, 63% of respondents said event venues should be permitted in rural zones, with 37% saying they should remain prohibited.

The concerns expressed as reasons to retain the current prohibition included:

- the potential for disturbance to rural residents;
- the ability for Council to monitor and police compliance with approval conditions;
- the potential loss of productive farmland;
- erosion of the rural character and amenity; and
- the commercialisation of rural land.

Based on the survey responses and the discussions at the community information sessions, there was general agreement, at least among those who accepted the premise of permitting and controlling commercial event venues, that the controls should include provisions that define the suitability of sites as well as controls relating to the management of events.

There was widespread agreement that management of noise and traffic was the key to limiting the disturbance to neighbours.

There was also widespread acknowledgement of the positive benefits of the wedding industry, in terms of employment and expenditure, and recognition that, on appropriate sites, it is possible for events to be managed to minimise or avoid disturbance to neighbours.

Based on the November 2017, a Planning Proposal was prepared, proposing that the Standard Template land use definition *function centre* be listed as permissible development in the RU2 zone.

A new local provision was also proposed, containing controls aimed at identifying criteria for suitable sites and for the management of individual events.

Gateway Determination was obtained for that Planning Proposal and a second round of community engagement was undertaken in November/ December 2018.

The engagement demonstrated that divided opinions remain; some respondents remain of the view that the wedding industry is an important part of the Shire that can be managed to avoid disturbance to neighbours; while others are strongly opposed to such activities in the rural hinterland, concerned that it will not be possible to ensure that disturbance is avoided or minimised.

Concerns were also raised about the broad-scale definition for *function centre* – many residents expressed concern that the definition might allow for larger scale commercial functions such as exhibition and convention centres, which were not considered appropriate for rural areas in the Byron Shire.

Part 2 Explanation of provisions

The purpose of this amended Planning Proposal is to create a mechanism that provides a temporary land use approval, for a specified maximum number of annual events over a three (3) year approval period, for the use of land zoned RU2 Rural Landscape for events on a commercial basis.

The provisions are primarily aimed at managing weddings held in the Byron Hinterland, to address a history of disturbance to neighbours associated with these unregulated events.

Under the land use definitions contained within Byron Local Environmental Plan 2014, a property that is set up to host weddings or other events on a commercial basis can be defined as a *function centre*.

Based on the concerns expressed regarding the broad nature of that land use definition, the new local clause proposed in this Planning Proposal seeks to include a new definition of *Rural Event Site* that will refer specifically to weddings and other events (including parties etc.) that are small scale and occur in a rural environment on a commercially operated site.

It is proposed to add a new local provision into Part 6 of the LEP, which outlines development standards and matters for consideration relating to proposals for *Rural Event Sites* in the RU2 zone.

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

2.1 Proposed Local Provision

The proposed local clause is outlined in **Appendix A**. The final wording of this clause will be subject to legal drafting by the Parliamentary Counsel.

The intention is to create a mechanism that provides a temporary land use approval, for a specified maximum number of annual events over a three (3) year approval period.

Subject to demonstrated satisfactory operation (i.e. operation that does not disturb neighbours or detrimentally impact on rural amenity), proponents would be able to seek further three (3) year approvals.

The proposed provisions will:

- (a) Establish that, notwithstanding other provisions of the LEP, development consent may be granted for development on land within Zone RU2 Rural Landscape for a *Rural Event Site*, up to a maximum of 20 events per calendar year over a period of three (3) years.

Rural Even Site is defined for the purpose of the proposed clause at point (5) – see below.

- (b) Address the suitability of potential sites, by specifying that development consent cannot be granted for a Rural Event Site use in the RU2 zone unless the consent authority is satisfied that:
 - a. the proposal is supported by a site specific acoustic assessment, prepared by a suitably qualified person, quantifying existing background noise levels and noise levels predicted for events in relation to all nearby dwellings, demonstrating that the use of the property for events will not result in the generation of offensive noise, as defined in the *Protection of the Environment Operations Act 1997*;
 - b. the use of the site will not result in unacceptable adverse impacts on any adjoining land or the amenity of the neighbourhood, particularly in relation to noise and traffic;
 - c. the use of the site will not result in any land use conflict in relation to adjoining or nearby farming activities or preclude future farming activities;
 - d. no clearing of native vegetation is required for the site use;
 - e. the Rural Event Site will not be located in or immediately adjacent to areas of high Aboriginal cultural heritage significance.
- (c) Require that applications for rural event site use must be accompanied by an Events Management Plan, establishing management measures that:
 - a. provide that event guests (excluding the bridal party) will be transported to and from the site by a bus that is suitable for the local road network to be used;
 - b. ensure that all amplified music will cease by 10:00pm;
 - c. ensure that all event attendees (other than those residing on site) will be off-site no later than 11:00pm (other than anyone staying overnight on the premises);
 - d. outline measures that will be in place to ensure predicted noise levels are not exceeded at nearby dwellings
 - e. provide for the monitoring of noise generated at events and six-monthly reporting of results to Council;
 - f. provide for the notification of nearby residents, including contact details for an appropriate management person who must be on-site and contactable during each event and require a sign that is visible from a public place outside the property, containing the name and contact details of the responsible management person;
 - g. ensure that adequate arrangements are in place to manage wastewater and general waste for each event;
 - h. manage the potential noise/ amenity impacts associated with any persons staying overnight at the site at the conclusion of the function; and
 - i. prohibit the use of fireworks, helicopters and/or other comparable activities known to cause disturbance to livestock and/or farming activities.
- (d) Include the following requirements, to be considered by the consent authority when assessing an application of a function centre:
 - a. the maximum number of events permitted in any calendar year; i.e. whether a lesser number than 20 is appropriate in the circumstances;
 - b. the potential loss of farming on the property, particularly where part or all of the site is mapped as Regionally Significant Farmland;
 - c. the potential impact on areas of environmental value, whether on the property the subject of the Rural Event Site or on adjacent and nearby land, including koala habitat; and
 - d. the need to impose a condition specifying that development consent would cease if three substantiated complaints were received in relation to functions at the site within a twelve-month period [*Note: The provision relating to the “three strikes” rule would be implemented by a condition of approval, specifying that the approval would lapse if three valid complaints were made in relation to events held at the approved venue within a twelve-month period. Complaints will be considered to be valid where it can be demonstrated that conditions of development consent, or the provisions of the new local clause, have not been met*];

- e. whether a trial period is appropriate; i.e. whether the approval should be granted for less than three (3) years; and
- f. the need for a biosecurity management plan.

(e) For the purpose of this clause, Rural Event Site is defined as:

the temporary use of a building or defined area within a property zoned RU2 Rural Landscape, where weddings and other similar gatherings/ events are held for commercial purposes for a maximum number of events in a three (3) year period, with a maximum of 150 attendees per event, but does not include convention centres or exhibition centres or music festivals.

2.2 Other amendments

This Planning Proposal also intends to amend the existing provisions of clause 4.6 Exceptions to development standards, by adding the following item into clause 4.6(8):

d. Clause 6.11

The intention is to ensure that the provisions within the proposed new local clause cannot be varied.

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 of the Byron Shire Rural Land Use Strategy.

The Rural Land Use Strategy addresses *Rural Event Sites*, recommending the following action:

Investigate the potential for allowing ‘wedding venues’ in rural zones and, where appropriate, planning provisions to ensure their location, scale and operation are compatible with the rural setting.

The Rural Land Use Strategy sets out a 20-year strategic framework to guide future land zoning and use, protection and/ or development of:

Our Rural Environment

Our Rural Economy

Our Rural Community

Our Rural Infrastructure

The primary focus of the Strategy in relation to *Our Rural Economy* is the protection, promotion and facilitation of agriculture. The Strategy also recognises, however, that rural tourism activities are an important part of the rural economy of the Shire.

In this regard, some of the relevant Policy Directions adopted for the Strategy include:

- *Future rural tourist development will build on and complement our agricultural industry, reinforcing the predominant use of the rural area for agricultural production while maintaining the rural character and take into consideration increased road traffic impacts; and*
- *Future rural tourist development will be located and designed to avoid adverse visual or noise impacts.*

This Planning Proposal, and the proposed amendments to LEP 2014, have been developed to further these Policy Directions. In particular, the permissibility of *Rural Event Sites* will apply only to the RU2 zone. *Rural Event Sites* will remain a prohibited land use on land

zoned RU1 Primary Production, maintaining the focus of that zone on farming and directly ancillary land uses.

It is also proposed that the importance of State and Regionally Significant Farmland will be recognised by requiring that farming continues on such land, rather than being replaced by the sole use of sites for function centre.

This Planning Proposal is also in response to a current enforcement issue in the Shire whereby weddings and events have been operating illegally in rural areas and impacting on the rural amenity.

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 a balance of allowing the continuation of rural events, particularly weddings, while maintaining and protecting rural character, amenity and agricultural productivity and potential.

The new definition is considered the best means of limiting approval to the types of events that are considered appropriate for the rural area, namely, small scale weddings and events that host no more than 150 attendees.

Alternative Options

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

Table 1: Alternative Options Considered:

Status Quo – Rural Event Sites Definition not Created, Rural Event Sites remain prohibited in Rural Zones

Function centres are currently prohibited on land zoned RU1 Primary Production and RU2 Rural Landscape. There is currently no definition for Rural Event Sites.

Function centres are permissible with consent on land zoned RU5 Village.

Council has been aware of a number of unauthorised Rural Event Sites (wedding venues) located within both RU1 and RU2. Some of these venues have generated significant complaints relating to neighbourhood disturbance, and Council has undertaken compliance/enforcement action on a number of occasions. Some sites have been operating without complaint.

It is clear that there is a continuing strong demand for weddings in the rural areas of Byron Shire.

On land zoned RU1 or RU2, the only approval option currently available is by way of Clause 2.8 Temporary Use of Land.

The provisions of that clause are restrictive, and it is unlikely that many sites would be able to satisfactorily demonstrate that functions would not result in *any* adverse impacts on the neighbourhood.

It is likely, however, that there are a number of sites where events could be managed in a way that generate *minimal* or *acceptable* impacts.

[Example: at the community discussions leading to this Planning Proposal, a rural resident talked about a wedding venue located near her rural home (located approx. 350m away). She noted that, if she were in her yard while an event is underway, she could hear music etc in the distance, but not at levels that were annoying to her; and that from inside her house the music was not audible. While the wedding venue is having an impact; the indications are that it would be considered an acceptable impact.]

The LEP currently contains no controls, standards or guidance to define what would be acceptable for a rural event venue. In the absence of that, Council will continue to react to

complaints.

Given the strength of the demand for the use, not proceeding with an approval mechanism for rural events will not prevent events from taking place. The current situation would remain, with Council required to take enforcement action in respect of unauthorised event venues following receipt to complaints.

Stopping the rural events totally would require significant compliance / enforcement resources. It would also deny legitimate opportunities for continuation of the industry and result in significant economic impacts on current industry participants.

Function centre a permissible use, without a new local clause

It would be possible to list *function centre* as a permissible land use within the RU2, without adding a new local provision or a new definition for *Rural Event Site*. Each application for such a use would then need to be assessed on its merits, in accordance with the provisions of Section 4.15 of the Act.

Relying on the standard template *function centre* definition could result in inappropriate development of large scale events or exhibition or function centres, which would negatively impact on rural amenity.

The intention of a new local LEP clause is to establish clear parameters for the approval mechanism, designed to provide a balance between supporting the industry and ensuring that rural residents are not disturbed by commercial activities. Proceeding without adopting local development provisions provides no guidance to either the community or the industry.

Rural Event Site defined and permissible in RU1 and RU2

The RU1 zone is for land with the highest level of agricultural value. The primary objective is to facilitate meaningful primary production.

The Rural Land Use Strategy recognises the importance of agriculture to the Shire and contains policy directions aimed at protecting and promoting that production.

Permitting *Rural Event Sites* in the RU1 zone has the potential to result in a loss of primary production, given that the economic returns from functions appear to be significantly greater than those associated with primary production.

Rural Events Site defined in new local clause; relating only to land zoned RU2; mechanism for permanent approval

Rather than adding the standard template definition of function centre to the list of development that is permitted with consent in the RU2 zone, it is recommended that a more specific local definition of *rural event site* be included in the proposed new local LEP provision.

This could restrict the range of potential land uses that might be permitted, such as conference centres, exhibitions centres and the like, which are included within the *function centre* definition.

The adoption of a local LEP provision, relating only to land zoned RU2 Rural Landscape, could provide an approval mechanism with specific controls aimed at clarifying what sites might be suitable for event use and provisions outlining the event management requirements that would need to be adopted to provide for event site approval. The approval would not necessarily be limited in time or by a specified number of annual events.

This option provides certainty for the wedding/ event industry. It does not provide any opportunity to trial event use to ensure that such use will not result in disturbance to neighbours.

Rural Events Site defined in new local clause; relating only to land zoned RU2; mechanism for temporary approval (preferred option)

This is the preferred option. In addition to limiting event sites to land zoned RU2 and relying

on a specific land use definition, the option of temporary approvals allows for ongoing assessment of sites to ensure that operations do not result in local amenity impacts.

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.

The table below summarises the key Policy Directions relevant to *Rural Event Sites* in Byron Shire:

Table 2: North Coast Regional Plan Policy Directions:

Direction 8: Promote the growth of tourism

Event, dining and accommodation options in rural areas should only be considered where they complement and are consistent with prime agricultural pursuits

See comments above – the Planning Proposal is consistent with this, in that it will not permit *Rural Event Sites* to establish on land with the highest agricultural value, and will require that use to be undertaken in conjunction with real primary production on Regionally Significant Farmland.

Direction 11: Protect and enhance productive agriculture lands

The most important farmland has been identified and mapped to support long-term agricultural production

Encouraging greater diversity in the agricultural sector – for example, through agritourism and the processing and packaging of produce and associated retail services – can make the sector more sustainable

The Planning Proposal strikes a balance between allowing rural tourism, primarily in the form of wedding events, on secondary quality agricultural land, while protecting higher quality land for agricultural purposes.

Direction 14: Provide great places to live and work

In the rural context, the quiet amenity is a strong part of what makes the hinterland of the Shire a great place to live.

The Planning Proposal provides a balanced solution to allowing the wedding/ event industry to operate in the Shire while protecting rural amenity, ensuring that the rural areas continue to be great places to live.

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

See information above (Q1) regarding consistency with Council's Rural Land Use Strategy.

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:

Table 3: SEPPs

State Environmental Planning Policy (SEPP)	Compliance of Planning Proposal
SEPP 44 – Koala Habitat Protection	Byron Shire contains areas of core koala habitat. The Planning Proposal recognises the value of that land by including a control specifying that event sites cannot be approved unless the consent authority has considered the potential impacts on habitat areas.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s9.1 Directions)?

Yes. Consistency with the Local Planning Directions is assessed in Table 4.

Table 4: Consistency with Local Planning Directions

Direction	Application	Relevance to this planning proposal	Consistency
1. Employment and Resources			
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).	This Planning Proposal does not affect land within an existing or proposed business or industrial zone.	Not applicable
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 provides a balance of providing for rural event uses in parts of the Shire, while protecting the agricultural value of rural land, by restricting the use to RU2 Rural Landscape and requiring that a rural event site use is secondary to primary production on land mapped as Regionally Significant Farmland.	Consistent

Direction	Application	Relevance to this planning proposal	Consistency
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.	Not applicable
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 national parks estate” and other land uses. 	This Planning Proposal has no effect on a Priority Oyster Aquaculture Area or other related uses.	Not applicable
1.5 Rural Lands	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> (a) protect the agricultural production value of rural land; (b) facilitate the orderly and economic development of rural lands for rural and related purposes. <p>Applies when:</p> <ul style="list-style-type: none"> (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 	<p>This Planning Proposal provides a balance of providing for Rural Event Site uses in rural parts of the Shire, while protecting the agricultural value of rural land, by restricting the use to RU2 Rural Landscape and requiring that a commercial event use is secondary to primary production on land mapped as Regionally Significant Farmland.</p> <p>Individual requirements of this Direction are addressed below:</p>	Consistent

Direction	Application	Relevance to this planning proposal	Consistency
	<p>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:</p> <p>(a) be consistent with any applicable strategic plan, including regional and district plans endorsed by the Secretary of the Department of Planning and Environment, and any applicable local strategic planning statement</p>	<p>See above – Proposal is consistent with Regional Plan and Council’s Local Rural Land Use Strategy.</p>	
	<p>(b) consider the significance of agriculture and primary production to the State and rural communities</p>	<p>The proposal seeks to restrict approval for Rural Event Site use to secondary agricultural land (RU2 zone). Provisions are also included requiring applicants to demonstrate that their proposals will not impact on local farming activities.</p>	
	<p>(c) identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources</p>	<p>Provisions are included to require applicants to demonstrate that their proposals will not impact on important areas of biodiversity value.</p>	
	<p>(d) consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions</p>	<p>Such considerations would be a normal part of assessment of applications that would be made subsequent to the LEP amendment.</p>	
	<p>(e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities</p>	<p>Proposed LEP amendment achieves this by providing for low scale rural tourism activities on suitable sites.</p>	

Direction	Application	Relevance to this planning proposal	Consistency
	<p>(f) support farmers in exercising their right to farm</p> <p>(g) prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land uses</p> <p>(h) consider State significant agricultural land identified in <i>State Environmental Planning Policy (Primary Production and Rural Development) 2019</i> for the purpose of ensuring the ongoing viability of this land</p> <p>(i) consider the social, economic and environmental interests of the community.</p>	<p>Provisions are included to protect existing and future farming activities.</p> <p>Nothing in the proposed amendment would result in fragmentation of rural land.</p> <p>Provisions are included to address and prevent land use conflict.</p> <p>There are no areas of State Significant land currently identified in the SEPP.</p> <p>There is State Significant Farmland mapped across the Shire. All of this is contained within land zoned RU1 Primary Production.</p> <p>The approval mechanism proposed by the LEP amendment does not apply to land within that zone.</p> <p>The Planning Proposal provides an appropriate balance, allowing economic activity in the rural area in a manner that protects farming and rural amenity.</p>	
2. Environment and Heritage			
2.1 Environment Protection Zones	A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.	The proposed new local provision contains a clause requiring consideration of events and important koala habitat.	Consistent
2.2 Coastal Management	<p>This direction applies to land that is within the coastal zone, as defined under the <i>Coastal Management Act 2016</i> – comprising the coastal wetlands and littoral rainforests area, coastal vulnerability area, coastal environment area and coastal use area – and as identified by the <i>State Environmental Planning Policy (Coastal Management) 2018</i>.</p> <p>This direction applies when a relevant planning authority prepares a planning proposal that applies to</p>	<p>This Planning Proposal does not preclude consideration of the Coastal Zone matters for applications on any land that is identified as coastal zone under the <i>State Environmental Planning Policy (Coastal Management) 2018</i>.</p> <p>In the normal course of development assessment, <i>State Environmental Planning Policy (Coastal Management) 2018</i> will be assessed as part of a development application process.</p>	Consistent

Direction	Application	Relevance to this planning proposal	Consistency
	<p>land identified above.</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 objects of the Coastal Management Act 2016 and the objectives of the relevant coastal management areas; (b) the NSW Coastal Management Manual and associated Toolkit; (c) NSW Coastal Design Guidelines 2003; and (d) any relevant Coastal Management Program that has been certified by the Minister, or any Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016, that applies to the land. <p>A planning proposal must not rezone land which would enable increased development or more intensive land-use on land:</p> <ul style="list-style-type: none"> (a) within a coastal vulnerability area identified by the State Environmental Planning Policy (Coastal Management) 2018; or (b) that has been identified as land affected by a current or future coastal hazard in a local environmental plan or development control plan, or a study or assessment undertaken: <ul style="list-style-type: none"> (i) by or on behalf of the relevant planning authority and the planning proposal authority, or (ii) by or on behalf of a public authority and provided to the relevant planning authority and the planning proposal authority. 		
2.3 Heritage	A planning proposal must contain provisions that	The Planning Proposal does not alter the existing	Not directly

Direction	Application	Relevance to this planning proposal	Consistency
Conservation	<p>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 authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people. 	heritage provisions of the LEP.	applicable.
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: <ul style="list-style-type: none"> (i) the provisions of the guidelines entitled 	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>):	Not applicable

Direction	Application	Relevance to this planning proposal	Consistency
	<p><i>Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September 1985, and</i></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.	Not applicable
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> <p>(a) broaden the choice of building types and locations available in the housing market, and</p>	This Planning Proposal does not affect land within a residential zone or land where residential accommodation is permitted or proposed to be permitted.	Not applicable

Direction	Application	Relevance to this planning proposal	Consistency
	<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> <p>In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning</p>	This Planning Proposal does not seek to identify suitable zones locations and provision for caravan parks.	Not applicable

Direction	Application	Relevance to this planning proposal	Consistency
	<p>proposal, the relevant planning authority must:</p> <ul style="list-style-type: none"> (a) take into account the categories of land set out in Schedule 2 of SEPP 36 as to where MHEs should not be located, (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 (c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the Community Land Development Act 1989 be permissible with consent. 		
3.3 Home Occupations	Planning proposals must permit home occupations to be carried out in dwelling-houses without the need for development consent.	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.	Not applicable
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> <ul style="list-style-type: none"> (a) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and (b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001). <p>The objective of this direction is to ensure that urban structures, building forms, land use locations,</p>	This Planning Proposal does not relate to land zoned for urban purposes.	Not applicable

Direction	Application	Relevance to this planning proposal	Consistency
	<p>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.	Not applicable
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 adjacent to and/or adjoining an existing shooting range that has the effect of permitting more intensive land uses in the area.</p>	This Planning Proposal does not relate to land adjacent to and/or adjoining an existing shooting range.	Not applicable

Direction	Application	Relevance to this planning proposal	Consistency
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>	The Planning Proposal does not alter the application of the Acid Sulfate Soils provisions in Byron LEP 2014.	Not directly applicable
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> <ul style="list-style-type: none"> (a) is within a mine subsidence district, or (b) has been identified as unstable in a study, strategy or other assessment undertaken: <ul style="list-style-type: none"> (i) by or on behalf of the relevant planning authority, or (ii) by or on behalf of a public authority and provided to the relevant planning authority. 	Byron Shire is not in a mine subsidence district and the land affected by this planning proposal has not been identified as unstable land.	Not applicable
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 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</p>	The Planning Proposal does not alter the application of provisions in Byron LEP 2014 relating to flood prone land.	Not directly applicable

Direction	Application	Relevance to this planning proposal	Consistency
	<p>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> <ul style="list-style-type: none"> (a) permit development in floodway areas, (b) permit development that will result in significant flood impacts to other properties, (c) permit a significant increase in the development of that land, (d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or (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>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 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</p>		

Direction	Application	Relevance to this planning proposal	Consistency
	that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).		
4.4 Planning for Bushfire Protection	<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: <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 	<p>This Planning Proposal will allow consideration of events on some land that is mapped as being bushfire prone.</p> <p>In the normal course of development assessment, bushfire protection measures will be assessed as part of a development application process.</p>	Consistent

Direction	Application	Relevance to this planning proposal	Consistency
	<p>reduction and located on the bushland side of the perimeter road,</p> <p>(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,</p> <p>(c) contain provisions for two-way access roads which link to perimeter roads and/or to fire trail networks,</p> <p>(d) contain provisions for adequate water supply for fire fighting purposes,</p> <p>(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,</p> <p>(f) introduce controls on the placement of combustible materials in the Inner Protection Area.</p>		
5 Regional Planning			
5.1 Implementation of Regional Strategies	<p>This direction applies to land to which the following regional strategies apply:</p> <p>(a) South Coast Regional Strategy (excluding land in the Shoalhaven LGA)</p> <p>(b) Sydney–Canberra Corridor Regional Strategy</p>	Not Applicable	Not applicable
5.2 Sydney Drinking Water Catchments	Applies when a relevant planning authority prepares a planning proposal that applies to the hydrological catchment.	Not Applicable	Not applicable
5.3 Farmland of	The planning proposal must not rezone land mapped	This Planning Proposal does not propose alteration of	Consistent

Direction	Application	Relevance to this planning proposal	Consistency
State and Regional Significance on the NSW Far North Coast	as State or Regionally significant farmland under the Northern Rivers Farmland Protection Project for an urban use.	existing zones. By excluding rural event site use from RU1 zoned land, the proposal ensures that State Significant Farmland will not be impacted by function use. Within the RU2 zone, the recommended local provision requires that a rural event use is secondary to primary production on land mapped as Regionally Significant Farmland.	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not Applicable	Not Applicable	Not applicable
5.5 -5.7 Revoked	-	-	Not applicable
5.8 Second Sydney Airport: Badgerys Creek	Not Applicable	Not Applicable	Not applicable
5.9 North West Rail Link Corridor Strategy	Not Applicable	Not Applicable	Not applicable
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 concurrence, consultation or referral of development applications to a Minister or public authority, and (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public	The planning proposal does not propose the inclusion of any concurrence, consultation or referral provisions.	Consistent

Direction	Application	Relevance to this planning proposal	Consistency
	<p>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. 		
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	Applies when a relevant planning authority prepares a Planning Proposal that will allow a particular	This Planning Proposal does not relate to a specific	Not

Direction	Application	Relevance to this planning proposal	Consistency
Provisions	<p>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>	development.	applicable

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 recommends a local provision requiring that the potential for biodiversity impacts need to be considered prior to approval of any *Rural Event Site* in the RU2 zone.

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 provides a balance between the continued economic benefits associated with the wedding industry and the protection of rural amenity.

Section D State and Commonwealth interests

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

Yes.

Q.11 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 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 were consulted during the public exhibition period.

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

Public authority/stakeholder	Issue requiring comment	Comment
Department of Primary Industry Agriculture	Impacts on farming land.	<p>Preference to avoid RU1 zones due to the agricultural value of the land.</p> <p>Supports the introduction of further conditions including:</p> <ul style="list-style-type: none"> Proponents are to demonstrate that reasonable consultation has occurred with neighbouring landowners and/or landowners within 1km of the proposal as part of the development application. The development application should include a Land Use Conflict Risk Assessment Where there is an unacceptable land use conflict risk identified, appropriate

Public authority/stakeholder	Issue requiring comment	Comment
		<p>mitigation measures should be applied, this may include a vegetation buffer established on the proponent's land.</p> <ul style="list-style-type: none"> • Where relevant, a biosecurity management plan should be required that may include signage, guest exclusion areas, etc. • Proponents are to provide a complaints management process as part of the development application <p>Additionally, it is suggested that the following amendment be made to 3(b) of the local provisions:</p> <ul style="list-style-type: none"> • the potential loss of farming on the property, (add particularly) where part or all of the site is mapped as Regionally Significant Farmland'. This recommendation is made as the potential loss of farming on the property should be a consideration for all rural land not just that which is mapped.
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.	No objections.
Office of Environment and Heritage	Consideration of ecological issues, Aboriginal and European heritage.	<ol style="list-style-type: none"> 1. Recommendation that prior to finalising the Planning Proposal, the development standard 6.10(1) that states '<i>development consent must not be granted for a function centre on land zoned Rural RU2 Rural Landscape unless the consent authority is satisfied that...f) no tree clearing is required for the function centre</i>', should be strengthened by replacing the word 'tree' with the term 'native vegetation'. 2. An additional development

Public authority/stakeholder	Issue requiring comment	Comment
		standard be included to ensure that rural function centres are not constructed in or immediately adjacent to areas of high aboriginal community.
Roads and Maritime Services	Impacts on roads and road safety	<p>Roads and Maritime would have no objection to the proposed amendment.</p> <ul style="list-style-type: none"> • On a Regional Classified Road the need for a Section 138 concurrence from Roads and Maritime for a new access or road works should be sought prior to consent. On a State Classified Road a Works Authorisation Deed (WAD) with Roads and Maritime is normally required. • It is recommended applications should take into consideration the impacts of the additional traffic on the road networks safety, infrastructure and transport. A Traffic Impact Assessment (TIA) should be undertaken in accordance with Austroads Pt12 – Traffic Impacts of Developments. Austroads warrants should be used to assess the need for any improvements to intersections or accesses. Where identified a Road Safety Audit (RSA) should be undertaken of the travel route. Both of these need to be undertaken by a qualified person.

Part 4 Mapping

The Planning Proposal will not affect any Byron LEP maps.

Part 5 Community consultation

The community engagement that has led to this Planning Proposal is summarised above.

Council exhibited the first Planning Proposal in accordance with a Gateway Determination, including:

- a newspaper advertisement that circulated 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 pre-Gateway community engagement.

In addition, a series of community workshops were held throughout the Shire, providing participants with opportunities to review and comment on the proposed controls.

Part 6 Project timeline

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

June 2019	Submissions report to Council with details of recommended updated Planning Proposal - forward updated Proposal to Department
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The timeline following this will be dependant upon the Department's review of the updated Planning Proposal and the need to obtain a revised Gateway Determination that may or may not require further community engagement.

Summary and conclusions

This Planning Proposal seeks to amend Byron Local Environmental Plan (LEP) 2014 to provide an approval mechanism for *Temporary Use - Rural Event Sites* on land zoned RU2 Rural Landscape.

It recommends the addition of a new local provision to outline development standards and matters for consideration relating to applications for *Rural Event Sites* in the RU2 zone, to identify suitable sites for such a land use and specify management measures that will minimise impacts, particularly disturbance to residents.

The proposed amendments relate only to land within the RU2 Rural Landscape zone. *Rural Event Sites* are not proposed to be permitted on land zoned RU1 Primary Production, to ensure that this land use will not compromise prime farming land in the Shire.

The Planning Proposal has been informed by extensive community engagement.

Appendix A Proposed LEP Amendments

Additional Local Provision

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

6.11 Temporary Use - Rural Event Site in RU2 Rural Landscape Zone

- (1) Despite any other provision of this Plan, development consent may be granted for development on land within Zone RU2 Rural Landscape for a Rural Event Site, up to a maximum of 20 events per calendar year over a period of three (3) years.
- (2) Development consent must not be granted for a Rural Event Site unless the consent authority is satisfied that:
 - (a) the proposal is supported by a site specific acoustic assessment, prepared by a suitably qualified person, quantifying existing background noise levels and noise levels predicted for events in relation to all nearby dwellings, and demonstrating that the use of the property for events will not result in the generation of offensive noise, as defined in the Protection of the Environment Operations Act 1997;
 - (b) the use of the site for a Rural Event Site will not result in unacceptable adverse impacts on any adjoining land or the amenity of the neighbourhood, particularly in relation to noise and traffic;
 - (c) the use of the site for a Rural Event Site will not result in any land use conflict in relation to adjoining or nearby farming activities or preclude future farming activities;
 - (d) no clearing of native vegetation is required for the Rural Event Site;
 - (e) the Rural Event Site is not located in or immediately adjacent to areas of high Aboriginal cultural heritage significance.
- (3) Applications for development consent for a temporary Rural Event Site must include an Events Management Plan, which contains (as a minimum) provisions that:
 - (a) provide for all event guests (other than the bridal party) to be transported to and from each event by bus, suitable to the road network to be utilised for transportation to the event; and
 - (b) ensure that all amplified music will cease no later than 10:00pm; and
 - (c) ensure that all event attendees (other than those residing on site) will be off-site no later than 11:00pm, other than those staying overnight on the premises; and
 - (d) outline measures that will be in place to ensure predicted noise levels are not exceeded at nearby dwellings; and
 - (e) provide for the monitoring of noise generated at events and annual compliance reporting to Council; and
 - (f) provide for the notification of nearby residents, including contact details for an appropriate management person who must be on-site and contactable during each event and provision of a sign, located so that it can be viewed from a public space outside of the property notifying the name and contact phone number of the management person; and
 - (g) ensure that adequate arrangements are in place to manage wastewater and general waste for each event; and
 - (h) manage the potential noise/ amenity impacts associated with any persons staying overnight at the site at the conclusion of the function; and

- (i) prohibit the use of fireworks, helicopters and/or other comparable activities known to cause disturbance to livestock and/or farming activities.
- (4) In deciding whether to grant consent for a temporary Rural Event Site, the consent authority must consider:
- (a) the maximum number of events permitted in any calendar year; and
 - (b) the potential loss of farming on the property, particularly where part or all of the site is mapped as Regionally Significant Farmland; and
 - (c) the potential impact on areas of environmental value, whether on the property the subject of the Rural Event Site or on adjacent and nearby land, including koala habitat; and
 - (d) whether a trial period is appropriate; and
 - (e) the need to impose a condition specifying that development consent would cease if three substantiated complaints were received in relation to functions at the site within a twelve-month period; and
 - (f) the need for a biosecurity management plan.
- (5) In this clause:
- Rural Event Site** means the temporary use of a building or defined area within a property zoned RU2 Rural Landscape, where weddings and other similar gatherings/ events are held for commercial purposes for a maximum number of events in a three (3) year period, with a maximum of 150 attendees per event, but does not include convention centres or exhibition centres or music festivals.

Amendment to existing clause 4.6

Add into clause 4.6(8):

- (d) Clause 6.11