



OUT19/716

17 January 2019

General Manager
Byron Shire Council
PO Box 219
Mullumbimby NSW 2482

Attention: Rob van Iersel
rob.vaniersel@byron.nsw.gov.au

Dear Sir/Madam

Planning Proposal 26.2016.4.1 – amendment of Byron Local Environmental Plan 2014 – Rural Function Centres

Thank you for the opportunity to provide comment on the above Planning Proposal. The NSW Department of Primary Industries (NSW DPI) Agriculture provides advice to consent authorities about the protection and growth of agricultural industries and the resources upon which these industries depend to provide economic growth.

Function centres in rural areas have the potential to impact on agricultural resources and industries and as such the preference is to avoid these types of development in RU1 Primary Production and RU2 Rural Landscape zones.

DPI Agriculture recognises the demand and subsequent issues being faced by Byron shire council on the matter and notes the comprehensive analysis and consultation undertaken. DPI Agriculture supports the continued prohibition of function centres in RU1 zones and acknowledges the local provisions proposed to reduce the potential impact on agricultural resources and industries should function centres be permitted in RU2. Further considerations could include:

- 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 mitigation measures should be applied, this may include a vegetation buffer established on the proponent's land.
- 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

Additionally, it is suggested that the following amendment be made to 3(b) of the local provisions:

'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.

Should you wish to discuss this matter further, please contact Agricultural Land Use Planning Officer, Selina Stillman, on 0412 424397.

Yours sincerely

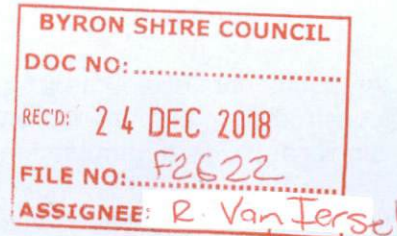
Lilian Parker
Manager
Agriculture Landuse Planning



Office of
Environment
& Heritage

Our Ref: DOC18/851389
Your Ref: #E2018/12420/PP26.2016.4.1

A/General Manager
Byron Shire Council
PO Box 219
Mullumbimby NSW 2482



Attention: Mr Rob van Iersel

Dear Mr Arnold

Re: Proposed Amendment of Byron Local Environmental Plan 2014- Rural Function Centres

Thank you for your letter dated 2 November 2018 seeking comments from the Office of Environment and Heritage (OEH) on Planning Proposal 26.2016.4.1 that seeks to amend the Byron Local Environmental Plan (LEP 2014) to allow for the development of rural function centres in the RU2 - Rural Landscape zone. I appreciate the opportunity to provide input.

The OEH has statutory responsibilities relating to biodiversity (including threatened species, populations, ecological communities, or their habitats), Aboriginal and historic heritage, National Parks and Wildlife Service estate, flooding and estuary management. We have reviewed the PP in the context of these interests.

We understand that the intent of the Planning Proposal is to allow rural function centres to be permissible with development consent in RU2 – Rural Landscape zones. According to the Planning Proposal, this LEP 2014 amendment has been proposed in response to the demand for weddings with a rural backdrop within the Byron local government area (LGA), and it attempts to address the concerns of Byron LGA residents about the impact of these facilities.

We have reviewed the Planning Proposal and the associated development standards that are proposed to ensure that rural functions centre developments do not adversely affect productive farmland, the rural character of the LGA, neighbours and areas of environmental significance.

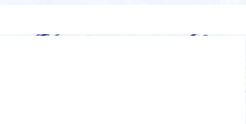
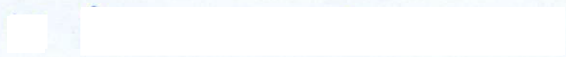
Whilst we support the intent of the Planning Proposal and the proposed development standard, the OEH recognises that within the Byron LGA, areas of biodiversity value frequently intersect with lands zoned RU2 – Rural Landscape, and such lands can also contain Aboriginal cultural heritage values. These matters should be considered by the Planning Proposal with a view to avoiding and minimising impacts.

The OEH recommends that prior to finalising the planning proposal:

1. The proposed development standard 6.10 (1) that states '*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*', should be strengthened by replacing the word 'tree' with the term 'native vegetation'. This amendment would result in the avoidance of many areas of biodiversity value, including those areas that comprise threatened species habitat.
2. An additional development standard be included to ensure that rural function centres are not constructed in or immediately adjacent to areas of high Aboriginal cultural heritage significance, as determined in consultation with the local Aboriginal community.

If you have any further questions about this issue, Ms Nicky Owner, Senior Conservation Planning Officer, Conservation and Regional Delivery, OEH, can be contacted on 6659 8254 or at nicky.owner@environment.nsw.gov.au.

Yours sincerely



DIMITRI YOUNG
Senior Team Leader Planning, North East Branch
Conservation and Regional Delivery

Contact officer: NICKY OWNER
6659 8254



Our Ref: NTH14/00036-2
Your Ref: #E2018/87939 / PP26.2016.4.1

General Manager
Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2482

Attention: Rob van Iersel

Dear Sir / Madam,

Planning Proposal 26.2016.4.1 – Amendment of Byron Local Environment Plan 2014 – Rural Function Centres.

I refer to your letter of 2 November 2018 requesting comment from Roads and Maritime Services in relation to the abovementioned planning proposal.

Roles and Responsibilities

The key interests for Roads and Maritime are the safety and efficiency of the road network, traffic management, the integrity of infrastructure and the integration of land use and transport.

Roads and Maritime Response

Roads and Maritime has reviewed the referred information and provides the following comments to assist the consent authority in making a determination;

- Roads and Maritime would have no objection to the proposed amendment.
- 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.

Advice to the Consent Authority

Upon determination of the application it would be appreciated if Council could forward a copy of the approval for our records. If you have any further enquiries regarding the above comments please do not hesitate to contact Greg Sciffer, Development Assessment Officer on (02) 6640 1362 or via email at: development.northern@rms.nsw.gov.au

Yours faithfully

“

John Perkins
A/Land Use Assessment Manager, Northern Region



NSW RURAL FIRE SERVICE



The General Manager
Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2482

Your Ref: PP26.2016.41
Our Ref: R18/585
DA18110615931 AB

ATTENTION: Rob van Lersel

20 November 2018

Dear Mr van Lersel

Agency Comment:- Byron Local Environment Plan 2014 Planning Proposal: RU2 Rural Landscape Function Centres

I refer to your letter dated 2 November 2018 seeking advice for the above Planning Instrument in accordance with the 'Environmental Planning and Assessment Act 1979'.

The NSW Rural Fire Service (NSW RFS) understands the planning proposal will amend Byron LEP 2014 in the following manner:

- 1. The addition of function centre as a land use permitted with development consent in the RU2 Rural Landscape Zone; and*
- 2. The addition of a new local provision which outlines development standards and matters for consideration relating to applications for commercial function centres in the RU2 zone.*

The NSW RFS notes that the subject land could be mapped bush fire prone by Byron Shire Council.

The NSW RFS has no objection to the planning proposal and provides the following comment:

- Class 9 assembly buildings are assessed as Special Fire Protection Purpose developments. Future development applications will be required to comply with the Planning for Bush Fire Protection guidelines.

Postal address

Records
NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
Planning and Environment Services (North)
Suite 1, 129 West High Street
COFFS HARBOUR NSW 2450

T (02) 6691 0400
F (02) 6691 0499
www.rfs.nsw.gov.au
Email: pes@rfs.nsw.gov.au

For any queries regarding this correspondence please contact Alan Bawden on 1300 NSW RFS.

Yours Sincerely

John Ball

Manager – Planning and Environment Services North

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at www.rfs.nsw.gov.au and search under 'Planning for Bush Fire Protection, 2006'.