

Byron Shire Council

Planning Proposal 26.2024.1.1

Heritage Amendments to Byron Local Environmental Plan 2014

Public Exhibition Version #1

Date: October 2024

E2024/124783

Proposed Heritage Conservation Area and additional Heritage Items at Federal, NSW.



BYRON
SHIRE
COUNCIL

Planning Proposal 26.2024.1.1 Federal Heritage Conservation Area and Additional Heritage Items.

Document History

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Part 1 Introduction

1.1 Objective and intended outcomes

The objectives of this Planning Proposal are to establish a statutory Heritage Conservation Area in the village of Federal and include 12 additional heritage items, which includes a group of dry stone walls.

This will be achieved by listing the Heritage Items and the Heritage Conservation Area in Schedule 5 of Byron Local Environmental Plan (BLEP) 2014.

This Planning Proposal relates to various parcels of land in Federal including the historic village core and various properties in the vicinity of the village which are legally described in Table 1 with accompanying maps.

Details of the proposed LEP amendments are outlined in **Appendix 1** and detailed in Table 1 and Figures 2 and 3 below.

1.2 Background

There is currently a Heritage Character Area for part of the Federal Village in Chapter E of the Byron Shire DCP 2014. Two items of environmental heritage in Federal are currently listed in the Byron Local Environmental Plan 2014; notably the 1895 School of Arts and adjacent former (former) Holy Trinity Anglican Church c.1900. There is no statutory Heritage Conservation Area.

In 2022 Council adopted the Federal Village Masterplan which includes a character statement and several planning strategies. Included in the plan was an identified need for a heritage assessment to identify and list surviving historic places helping to ensure that future development does not detract from those items and respects the existing low-rise, low density rural character of the village.¹

In 2023 a report was prepared by Jenna Reed Burns titled; 'Preliminary Heritage Assessment of Federal Village - Proposed Heritage Conservation Area and Additional Heritage Listings' April 2023.

A presentation was made to the Byron Shire Heritage Committee on 20 April 2023 outlining the history of Federal and examples of the tangible physical evidence of its non-Indigenous early development.² The recommendations of this report were as follows:

¹ p.21 [Federal Village Masterplan - Byron Shire Council \(nsw.gov.au\)](https://www.nsw.gov.au)

² [Agenda of Heritage Advisory Committee Meeting - Thursday, 20 April 2023 \(infocouncil.biz\)](https://www.infocouncil.biz)

7. RECOMMENDATIONS

Based on the findings of this preliminary heritage assessment, the following recommendations are made:

- Federal Village is eligible for inclusion as a Heritage Conservation Area (as shown on the proposed map boundary in Figure 39) on Schedule 5 of the *Byron LEP 2014* and this preliminary report — which fulfils Action 5B of the Federal Masterplan — should be used by council as a basis to legally amend the LEP to include the precinct as a statutory Heritage Conservation Area.
- The SHI Inventory and a revised Heritage Map should note listed, contributory and non-contributory buildings and elements which are part of the assessed significance of the village.
- The inclusion of the following additional individual heritage items within the proposed HCA is recommended:
 - i) The Tin Shed
 - ii) The General Store and Post Office
 - iii) The Former Butcher's Shop
 - iv) The Dairy Bails at 2 Coachwood Court*(N.B. Some additional items that are currently listed as contributory to the HCA may be elevated to individual listing as their history and significance is researched more fully.)*
- The inclusion of the following additional individual heritage items outside the proposed HCA is also recommended:
 - i) The old Schoolmaster's Cottage
 - ii) The farmhouse (Risley's House), 477 Federal Drive
 - iii) 'Beechgrove', 711 Federal Drive
 - iv) 911 Binna Burra Road (W.F.Keys' farm)
 - v) 366 Federal Drive (W. Shackel's farmhouse)
 - vi) 4 Macadamia Drive (Davis's house, 'Killena')
 - vii) Drystone boundary fences (throughout the Federal area, and ideally, throughout the Shire)
 - viii) Coolamon tree, 46 Callistemon Drive
- Chapter E6 of the *Byron DCP 2014* will require updating to include additional controls to apply to the particular identity of Federal and the village map will need to be updated. The character statement in the Federal Masterplan should be included in the revised DCP to provide further planning direction.
- Consultation with the Federal community, and with individual property owners of items deemed worthy of individual listing, should fully explain the positive implications of heritage listings, which is to ensure that the village maintains its desired character and protects its historic buildings — a community concern that was clearly identified during the recent master-planning process.

Figure 1- Recommendations of the Heritage Assessment Report for Federal April 2023

Following the presentation of this report, Council undertook an informal pre-Planning Proposal community consultation outlining the proposed Federal Village Heritage Conservation Area and potential Heritage Items to gauge the feeling of the community prior to preparation of a formal Planning Proposal. This was held from October 2023 to November 2023. Individual letters were sent to all affected owners and the information was placed on general public exhibition on Council's website. The four submissions received are contained in the "Pre-lodgement consultation combined Submissions" document (E2024/35130). Formal consultation will occur once a gateway determination has been received.

The Planning Proposal includes places and buildings identified and supported by the Byron Shire Heritage Committee which are considered to be of heritage significance to the local area. The items have been assessed as meeting the criteria for heritage listing as detailed in the Draft State Heritage Inventory Forms (E2024/47651).

Supporting Studies and Plans

- Byron Local Environmental Plan 2014
- Byron Shire Development Control Plan 2014
- Byron Shire Council, Byron Community Based Heritage Study Co-ordinators Report 2007
- Byron Shire Heritage Strategy 2020-2024
- Federal Village Masterplan 2022-2042
- Preliminary Heritage Assessment of Federal Village - Proposed Heritage Conservation Area and Additional Heritage Listings April 2023
- Draft State Heritage Inventory Forms for potential individual heritage items and the Heritage Conservation Area.

Part 2 Explanation of provisions

The proposed outcome will be achieved by amendment of the *Byron Local Environmental Plan 2014* with the addition of a statutory Heritage Conservation Area No 08, and 12 additional Heritage Items to Schedule 5, Parts 1 and 2 and associated amendments to the Heritage LEP Map.

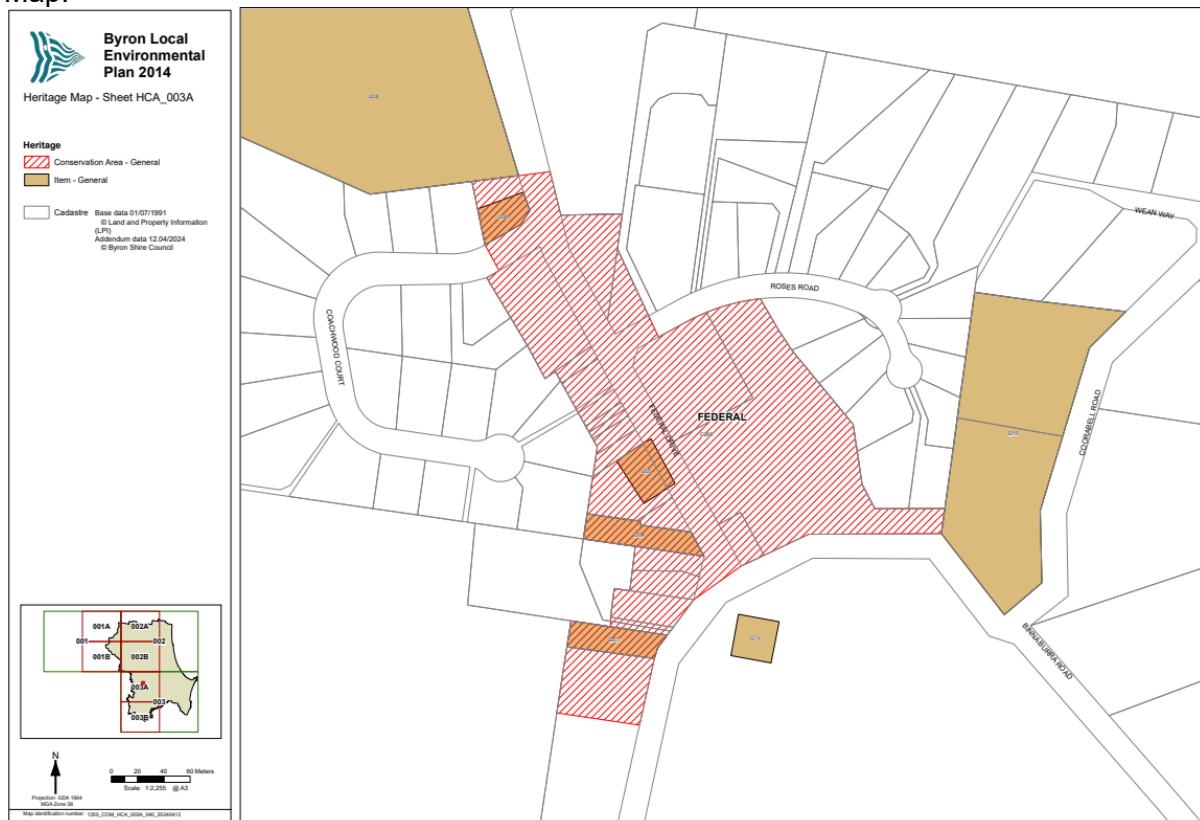




Figure 2 New Heritage items and Proposed Boundary of Heritage Conservation Area Federal Village

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Figure 3 Location of Proposed Individual Heritage Items



Table 1 Proposed Heritage Amendments to Schedule 5 of Byron Local Environmental Plan 2014.

Part 1						
	Locality	Description	Property Address,	Lot/ DP	Item No.	Significance
1.	Federal	The Tin Shed Former Engineering Workshop	441 Federal Drive	Lot 11, DP 1190204	I204	Local
 <p>Curtilage to be the Lot/DP boundary</p>						
2.	Federal	General Store and Post Office including grove of Palm Trees	447 Federal Drive	Lot 12 DP 1234493	I205	Local
 <p>Note The curtilage should include the General Store building and attached shed to its rear, and the Doma Café building and Palm Trees which extend onto Road Reserve but should exclude the modern metal shed which houses Moonshine Coffee Shop and the rear part of the site. Curtilage of heritage item as per red line.</p>						
	Locality	Description	Property	Lot/ DP	Item No.	Significance



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			Address,			
3.	Federal	Dairy Bails	2 Coachwood Court	Lot 1 DP814436	I206	Local
 <p>A reduced curtilage is proposed around the old dairy bails and surrounding southern half of the site to retain a rural setting. The dwelling is excluded as it was relocated to site and is not original. Curtilage of heritage item as per dotted red line.</p>						
4.	Federal	Former Butcher Shop	429 Federal Drive	Lot 1 DP 832106	I207	Local
 <p>Curtilage to be the Lot/DP boundary</p>						
	Locality	Description	Property Address,	Lot/ DP	Item No.	Significance

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5.	Federal	Dwelling (Former Risley's house)	477 Federal Drive	Lot 1 DP 794483	I208	Local
 <p>Curtilage to be the Lot/DP boundary</p>						
6.	Federal	Dwelling 'Beechgrove' (Former House/Landholding) Bates'	711 Federal Drive	Lot 2 DP 258973	I209	Local
 <p>Reduced curtilage around dwelling area of site and grounds as per red boundary.</p>						
	Locality	Description	Property Address,	Lot/ DP	Item No.	Significance
7.	Federal	Former School Residence and	898 Binna Burra	Lot 89	I210	Local

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		Pony Paddock	Road	DP 755697 Lot 90A DP 374765		
						
		<p>Curtilage to be the Lot/DP boundary. Please map both parcels together as one item with both Lot/DP boundaries included in the item.</p>				
8	Federal	Dwelling (W.F.Keys Farm)	911 Binna Burra Road	Lot 2 DP 869145	1211	Local
						
		<p>Reduced curtilage for the farmhouse and immediate grounds. (The site has approval for tourist cabins and a restaurant) Map as per dotted red line.</p>				
9.	Federal	Dwelling (Former Shackel's House)	366 Federal Drive	Lot 1 DP 748237	I212	Local

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		Curtilage to be the Lot/DP boundary					
10.	Federal	Dwelling Brookbank (Former Davis's House)	4 Macadamia Lane	Lot 1 DP 262339	I213	Local	
							
		Curtilage to be the Lot/DP boundary					
11	Federal	Coolamon Tree	46 Callistemon Drive	Lot 7 DP 805551	I214	Local	

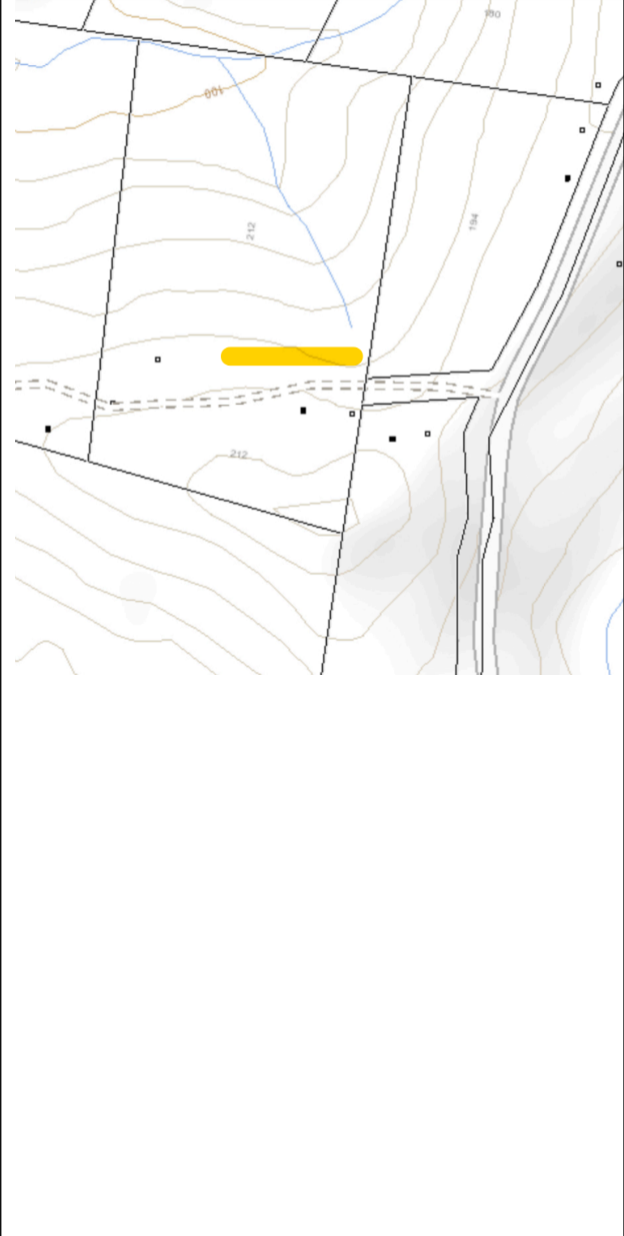
Planning Proposal 26.2024.1.1 Federal Heritage Conservation Area and Additional Heritage Items.



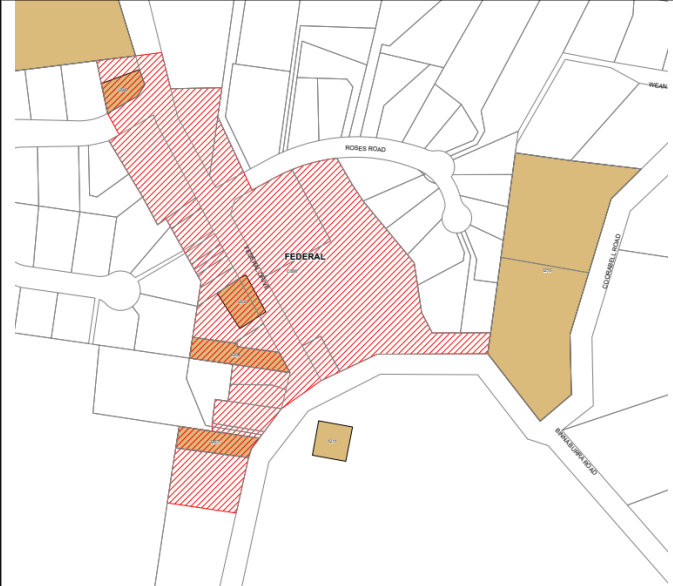
Reduced curtilage around the tree only.

12.	Federal	Dry Stone Walls	Bougainvillea Drive, Callistemon Drive and Lizray Rd.	Various Lots	I215	Local
			<p>Between Number 16 (Lot 10, DP 1282482) and 22 Callistemon Drive (Lot 6, DP 805551)</p> <p>Between Number 9 (Lot 10, DP 805403) and 23 Callistemon Drive (Lot 5, DP 805551)</p> <p>Between Number 28 (Lot 9, DP 805403) and ? Bougainville a Drive (Lot 8, DP 805403)</p> <p>Between Number 44 Bougainville a Dr (Lot 8, DP 805403) and 60 Bougainville</p>			
<p>Map items as per the blue lines and the yellow line below.</p>						

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		<p>a Drive (Lot 20, DP 805403)</p> <p>Between Number 60 Bougainville a Drive (Lot 20, DP 805403) and 70 Bougainville a Drive (Lot 6 DP 805403)</p> <p>Between Number 65 Bougainville a Drive (Lot 2 DP 1220595) and 45 Bougainville a Drive (Lot 3 DP 1220595)</p> <p>Between Number 9 Bougainville a Drive (Lot 2 DP 1230366) and 66 Lizray Road (Lot 51 DP 803828)</p> <p>212 Kings Road Lot 3 DP 589535</p>		
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Part 2					
Federal	Federal Village Heritage Conservation Area	Shown edged heavy hatched and marked C008	Various parcels	C008	
 <p>The map shows a central area labeled 'FEDERAL' with red hatching. Surrounding this are several parcels outlined in brown. Roads shown include 'ROSES ROAD', 'COURTNEY ROAD', and 'WHEAT'. The map is part of a larger planning proposal table.</p>					

(Note Item Number assumes continuation of concurrent planning proposal for additional items I188 to I203 which is to be on exhibition under Gateway Determination)

Part 3 Justification

Section A Need for the planning proposal

Q1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

Yes. This Planning Proposal is consistent with Council's adopted Heritage Strategy 2020-2024 and other related Planning Strategies.

1.1 The Planning Proposal is consistent with the objectives of Byron Heritage Strategy 2020-2024 which includes the following policies;

- Item 1. Operate a Heritage Committee to provide community input to heritage matters in the Byron Shire Council area.
- Aim: To promote the conservation and maintenance of Byron Shire's natural and built heritage.
- Enable the Committee to work in liaison with Council on identification and review of heritage listings and to consider potential places for nomination of State Heritage Register listing status.
- Encourage Heritage Advisory Committee members and local historical societies and interested members of the public to provide additional historical information on places of heritage significance within the shire (listed or potential) and where appropriate, include this information on the SHI data base. (A web based application is yet to be developed).
- Encourage Heritage Advisory Committee members to further explore places of significance to early Pioneer Heritage, Natural heritage, and encourage the conservation of these places.
- Item 2 To identify places of heritage significance both Indigenous and Non Indigenous, buildings, sites, natural items, cultural landscapes, archaeological and moveable items in Byron Shire and implement measures to protect their integrity and significance.'

1.12 It is consistent with Byron Shire's Local Strategic Planning Statement adopted in September 2020 which includes Planning Priorities which seek to celebrate and protect historic heritage.

1.13 It is consistent with the Federal Masterplan and represents a continuation of detailed policy outcomes for this locality. This plan includes an identified need for a heritage assessment to identify and list surviving historic elements helping to ensure that future development does not detract from those items and respects the existing low-rise, low density rural character of the village.

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

Yes. The Planning Proposal is considered the only way means of achieving the statutory addition of heritage items and a heritage conservation area at Federal.

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 (in this case the North Coast Regional Plan 2041)?

Yes. The planning proposal is consistent with the North Coast Regional Plan 2041, which is a 20-year blueprint for the future of the North Coast. The NSW Government's vision for the North Coast is Healthy and thriving communities supported by a vibrant and dynamic economy that builds on the region's strengths and natural environment.

The Planning Proposal is supported by **Strategy 12.1** of the North Coast Regional Plan 2041 that states that Council strategic planning and local plans should consider opportunities to:

“protect heritage, biodiversity and agriculture to enhance cultural tourism, agri-tourism and eco-tourism” (p.48, NCRP 2041)

The planning proposal is also consistent with **Objective 20: Celebrate Local Character**, in particular **Strategy 20.2** that states:

Celebrate buildings of local heritage significance by:

- *retaining the existing use where possible*
- *establishing a common understanding of appropriate reuses*
- *exploring history and significance*
- *considering temporary uses*
- *designing for future change of use options.*

“Heritage is distinct from local character, although there are often common elements between a conservation area and a place with a valued or distinctive local character.

Managing heritage is not just about managing the material culture of the past, it is also about understanding how heritage influences and shapes communities today.” (p.79, NCRP 2041)

Q4. Is the planning proposal consistent with a LSPS that has been endorsed by the Planning Secretary or other local strategy or strategic plan?

Byron Shire LSPS September 2020 endorsed by DPIE sets out a strategy which embraces the protection of heritage in the development of the shire. Page 31 states 'Connected to our heritage we support and celebrate our vibrant culture and diverse lifestyles'. The Federal masterplan is an outcome of this wider strategy.

Liveable Shire: Line of Sight



Figure 4 Extract from Byron Shire LSPS.

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The proposal is also consistent with the Community Strategic Plan objectives and Operational Plan 2024.

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
4: Ethical Growth	4.1: Manage responsible development through effective place and space planning	4.1.4: LEP & DCP - Review and update the Local Environmental Plan and Development Control Plans	4.1.4.3	Develop stand-alone Local Environmental Plan 2014 amendment to introduce new heritage-listed properties

Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

No other strategies are applicable.

Q6. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

The State Environmental Planning Policies relevant to this Planning Proposal are as follows:

State Environmental Planning Policy (SEPP)	Compliance of Planning Proposal
SEPP (Primary Production) 2021	Some of the land in this planning proposal is located within Rural RU1 zone. The proposal to include a number of heritage items raises no inconsistencies with the aims or provisions of this State policy nor will it alter any existing zonings or land use provisions.
SEPP (Exempt and Complying Development Codes) 2008	The inclusion of additional heritage items and a Heritage Conservation Area raises no inconsistencies with the provisions of this SEPP. A number of exempt and complying developments do not apply to heritage items or within Heritage Conservation Areas. The use of the heritage exemptions provisions under BLEP 2014 Clause 5.10 (3) provides a pathway for maintenance and works which are minor in nature, to avoid the need for a Development Application in these circumstances.

Q7. Is the planning proposal consistent with the applicable Ministerial Directions (s.9.1 directions)?

Consistency with the Local Planning Directions is assessed in the following tables:

1. Planning Systems

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
1.1 Implementation of Regional Plans	<p>Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.</p> <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary), that:</p> <p>(a) the extent of inconsistency with the Regional Plan is of minor significance, and</p> <p>(b) the planning proposal achieves the overall intent of the Regional Plan and does not undermine the achievement of the Regional Plan’s vision, land use strategy, goals, directions or actions.</p>	<p>The proposal is consistent with the direction of the North Coast REP 2041 policies for protection of cultural and non-indigenous heritage. Strategy 20.1 and 20.2 include associated policies.</p> <p>Strategy 20.1 Ensure strategic planning and local plans recognise and enhance local character through use of local character statements in local plans and in accordance with the NSW Government’s Local Character and Place Guideline.</p> <p>Strategy 20.2 Celebrate buildings of local heritage significance by:</p> <ul style="list-style-type: none"> • retaining the existing use where possible • establishing a common understanding of appropriate reuses • exploring history and significance • considering temporary uses • designing for future change of use options. 	Consistent
1.2 Development of Aboriginal Land Council Land	<p>Applies when preparing a planning proposal for land shown on the Land Application Map of chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021.</p>	(not currently applicable to Byron Shire)	Not applicable
1.3 Approval and Referral Requirements	<p>A planning proposal must:</p> <p>(a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</p> <p>(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:</p>	<p>No additional concurrence provisions are proposed.</p>	Consistent

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
	i. the appropriate Minister or public authority, and ii. the Planning Secretary (or an officer of the Department nominated by the Secretary), prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act		
1.4 Site Specific Provisions	Applies when preparing a planning proposal that will allow a particular development to be carried out.	Not applicable	Consistent
1.4A Exclusion of Development Standards from Variation	This direction applies when a planning proposal authority prepares a planning proposal that proposes to introduce or alter an existing exclusion to clause 4.6 of a Standard Instrument LEP or an equivalent provision of any other environmental planning instrument	The proposal does not seek to introduce or alter an existing exclusion to clause 4.6.	Consistent

3. Biodiversity and Conservation

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
3.1 Conservation Zones	A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. A planning proposal that applies to land within a conservation 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 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".	The proposal raises no conflict with the protection of environmentally sensitive areas.	Consistent

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S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
3.2 Heritage Conservation	<p>A planning proposal must contain provisions that 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 National Parks and Wildlife Act 1974, 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 	<p>The proposal is actively contributing to the protection of historic heritage in a village locality with a variety of identified items and a Heritage Conservation Area.</p>	<p>Consistent</p>
3.3 Sydney Drinking Water Catchments	<p>Not applicable to Byron Shire</p>	<p>N/A</p>	<p>N/A</p>
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	<p>A planning proposal that introduces or alters an C2 Environmental Conservation or C3 Environmental Management zone or an overlay and associated clause must apply that proposed C2 Environmental Conservation or C3 Environmental Management zone, or the overlay and associated clause, in line with the Northern Councils E Zone Review Final</p>	<p>N/A</p>	<p>N/A</p>

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S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
	Recommendations.		
3.5 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 Recreation Vehicles Act 1983).	N/A	N/A

4. Resilience and Hazards

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
4.1 Flooding	This direction applies when preparing a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.	The proposal does not create any alteration to current land uses. The proposal to include additional heritage items and a heritage conservation area does not alter or change any provisions relating to land which is subject to flood controls and will not intensify development in areas subject to hazards.	Consistent
4.2 Coastal Management	This direction applies when a planning proposal authority prepares a planning proposal that applies to land that is within the coastal zone, as defined under the Coastal Management Act 2016.	N/A	N/A
4.3 Planning for Bushfire Protection	<p>(1) 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 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause 4, Schedule 1 to the EP&A Act, and take into account any comments so made.</p> <p>(2) A planning proposal must:</p> <ul style="list-style-type: none"> (a) have regard to Planning for Bushfire Protection 2019, (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and (c) ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone 	Consultation with the NSW Rural Fire Service will be held as a likely gateway requirement. However, the proposed addition of Heritage Items and the Heritage Conservation Area does not alter existing land use zonings. Existing land uses may be subject to future additions or uses which are already permissible within the broad zoning provisions and may be subject to referral to the NSW RFS if they are located in an area of bushfire risk.	Consistent

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
4.4 Remediation of Contaminated Land	<p>(APZ).</p> <p>This direction applies to:</p> <ul style="list-style-type: none"> (a) land that is within an investigation area within the meaning of the Contaminated Land Management Act 1997, (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out, (c) the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land: <ul style="list-style-type: none"> i. in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and ii. on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge). <p>(1) A planning proposal authority must not include in a particular zone (within the meaning of the local environmental plan) any land to which this direction applies if the inclusion of the land in that zone would permit a change of use of the land, unless:</p> <ul style="list-style-type: none"> (a) the planning proposal authority has considered whether the land is contaminated, and (b) if the land is contaminated, the planning 	N/A	N/A

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
	<p>proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and</p> <p>(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose.</p> <p>In order to satisfy itself as to paragraph 1(c), the planning proposal authority may need to include certain provisions in the local environmental plan.</p> <p>(2) Before including any land to which this direction applies in a particular zone, the planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines</p>		
4.5 Acid Sulfate Soils	<p>Applies when preparing 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 held by the Department of Planning and Environment.</p> <p>A relevant planning authority must not prepare a planning proposal 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 relevant planning authority has</p>	N/A	N/A

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
	considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Planning Secretary prior to undertaking community consultation in satisfaction of clause 4 of Schedule 1 to the Act.		
4.6 Mining Subsidence and Unstable Land	This direction applies when a relevant planning authority prepares a planning proposal that permits development on land that is within a declared mine subsidence district in the Coal Mine Subsidence Compensation Regulation 2017 pursuant to section 20 of the Coal Mine Subsidence Compensation Act 2017, or has been identified as unstable in a study, strategy or other assessment undertaken by or on behalf of the relevant planning authority or by or on behalf of a public authority and provided to the relevant planning authority.	N/A	N/A

5. Transport and Infrastructure

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
5.1 Integrated Land Use Transport	This direction applies when preparing 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. 1) 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:	N/A	N/A

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
	(a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and (b) The Right Place for Business and Services – Planning Policy (DUAP 2001).		
5.2 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 Planning Secretary (or an officer of the Department nominated by the Secretary).	N/A	N/A
5.3 Development Near Regulated Airports and Defence Airfields	Applies when preparing a planning proposal that will create, alter or remove a zone or a provision relating to land near a regulated airport which includes a defence airfield.	N/A	N/A
5.4 Shooting Ranges	Applies when preparing 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	N/A	N/A

6. Housing

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
6.1 Residential Zones	Applies when preparing a planning proposal that will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary). (1) A planning proposal must include provisions that encourage the provision of housing that will: (a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing	No changes are proposed to the existing zoning provisions for the village. The proposal to includes additional heritage items and a heritage conservation area does not alter or change any residential zones. Development on these sites will need to demonstrate that it is respectful of existing character and assessed significance of heritage areas.	Consistent

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
	<p>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>(2) 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>		
6.2 Caravan Parks and Manufactures Home Estates	Applies when a planning proposal affects land for Caravan Parks and Manufactured Home Estates.	N/A	N/A

7. Industry and Employment

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
7.1 Business and Industrial Zones	<p>This direction applies to all relevant planning authorities when preparing 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).</p> <p>A planning proposal must:</p> <p>(a) give effect to the objectives of this direction,</p> <p>(b) retain the areas and locations of existing business and industrial zones,</p>	N/A	N/A

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
	(c) not reduce the total potential floor space area for employment uses and related public services in business zones, (d) not reduce the total potential floor space area for industrial uses in industrial zones, and (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Planning Secretary.		
7.2 Reduction in non-hosted short-term rental accommodation period	This direction applies to Byron Shire Council when the council prepares a planning proposal to identify or reduce the number of days that non-hosted short-term rental accommodation may be carried out in parts of its local government area.	N/A	N/A
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Applies to land in the vicinity of the existing and/or proposed alignment of the Pacific Highway.	N/A	N/A

8. Resources and Energy

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
8.1 Mining, Petroleum Production and Extractive Industries	This direction applies to all relevant planning authorities when preparing a planning proposal that would have the effect of: (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	N/A	N/A

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
	or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.		

9. Primary Production

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
9.1 Rural Zones	Applies when a planning proposal will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary). A planning proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone	N/A The proposal would not have any potential effect on the protection of agricultural production values of rural lands.	N/A
9.2 Rural Lands	Applies when a planning proposal: (a) will affect land within an existing or proposed rural or conservation zone (including the alteration of any existing rural or conservation zone boundary) or (b) changes the existing minimum lot size on land within a rural or conservation zone. A planning proposal must: (a) be consistent with any applicable strategic plan, including regional and district plans endorsed by the Planning Secretary, and any applicable local strategic planning statement (b) consider the significance of agriculture and primary production to the State and rural communities (c) identify and protect environmental values,	N/A There are no proposals to alter existing zonings or increase the density of land in a rural zone.	N/A

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
	<p>including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources</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>(e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities</p> <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 use</p> <p>(h) consider State significant agricultural land identified in chapter 2 of the State Environmental Planning Policy (Primary Production) 2021 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>(2) A planning proposal that changes the existing minimum lot size on land within a rural or conservation zone must demonstrate that it:</p> <p>(a) is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses</p> <p>(b) will not adversely affect the operation and</p>		

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
	<p>viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains</p> <p>(c) where it is for rural residential purposes:</p> <p>i. is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres</p> <p>ii. is necessary taking account of existing and future demand and supply of rural residential land.</p>		
9.3 Oyster Aquaculture	Applies when preparing a planning proposal in 'Priority Oyster Aquaculture Areas'	N/A	N/A
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Applies to land mapped as mapped as State significant farmland, regionally significant farmland, or significant non-contiguous farmland.	N/A	N/A

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 addition of heritage items in Schedule 5 of the BLEP 2014 will have no adverse impacts upon natural habitat.

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

The addition of items in Schedule 5 will have no adverse environmental impacts. The effect of the planning proposal is to positively protect the historic heritage significance and values of places within the Byron Shire Council area for future generations.

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

The proposal was initiated by the community seeking to protect the historic values of the village which are enjoyed by residents and visitors alike. The various individual and group items have been identified through a historical report and are supported through Council's Heritage Committee at a preliminary stage.

No negative social or economic effects are likely to occur as a result of the Planning Proposal. The Planning Proposal is aimed at protecting significant places and items for future generations. Areas of high heritage values are usually synonymous with sought after places for living, work and tourism.

Section D Infrastructure

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

The planning proposal does not create the need for any additional public infrastructure.

Section E State and Commonwealth Interests

Q12. What are the views of state and Commonwealth public authorities consulted in order to inform the Gateway determination?

No views of public authorities have been sought at this stage. Consultation will be required with Heritage NSW, the NSW Rural Fire Service and any other agency nominated in the Gateway Determination.

Part 4 Mapping

Amendments will be required to Byron LEP 2014 Heritage Map. The proposed map changes are provided below.

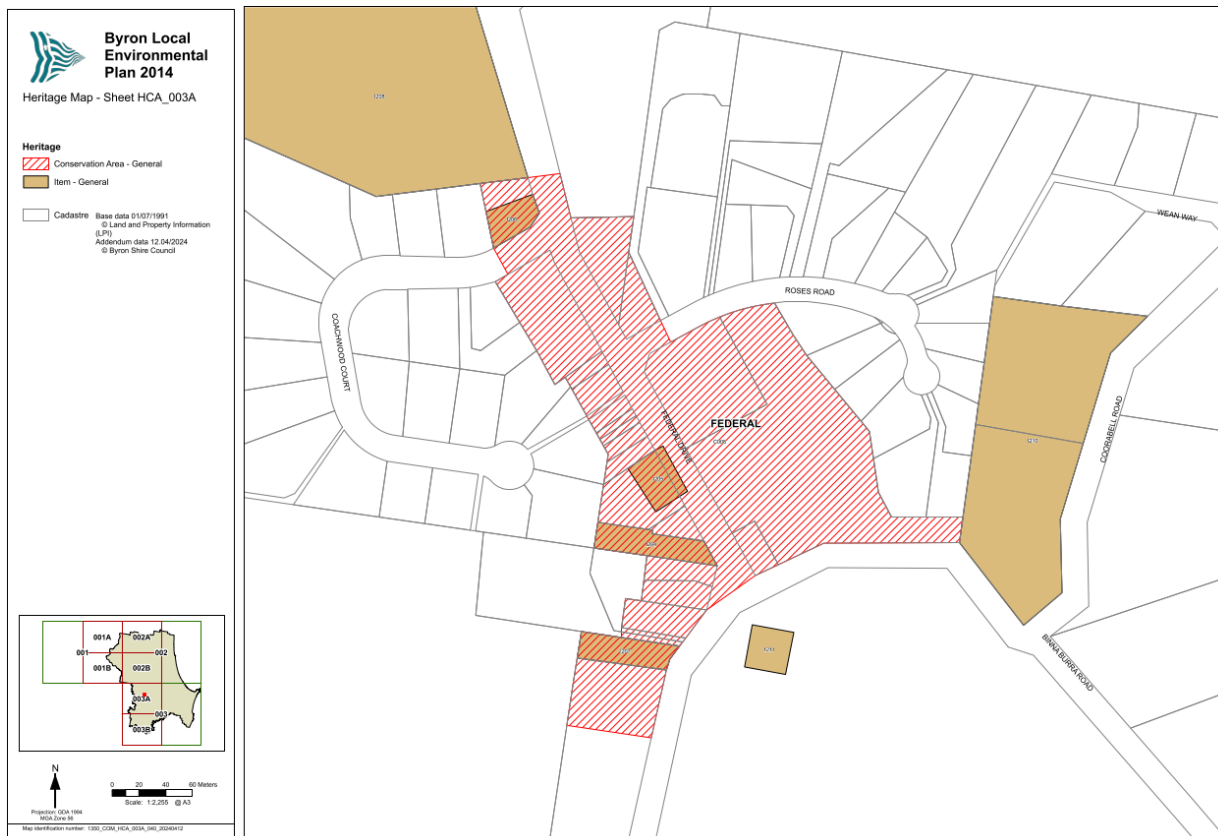


Figure 5 Proposed Heritage Conservation Area Map

Planning Proposal 26.2024.1.1 Federal Heritage Conservation Area and Additional Heritage Items.



Figure 6 Proposed Heritage Items

Part 5 Community consultation

An informal pre consultation has taken place in relation to the proposed Federal Heritage Conservation Area and potential additional heritage items and submissions received were positive. The four submissions received are contained in the “Pre-lodgement consultation combined Submissions” document (E2024/40507), which is summarised in Table 2 below.

Formal community consultation on the Planning Proposal will be conducted in accordance with the Gateway Determination.

Notification of the exhibited planning proposal will include:

- Exhibition on Council’s website
- Referral to relevant State Government Agencies
- Notification of the exhibition in Councils community newsletters online.
- An exhibition period of Calendar 28 days.
- Direct correspondence forwarded to all affected property owners.

Table 2 Summary of Submissions

Summary of Submissions	Council’s Response
<p>The Google Map on page 6 be amended or removed and that Council does not use Google Maps that can mislead in any heritage assessment documents.</p> <p>The Google Map of ‘Federal’ on p.6 excises Goonengerry Church of England out of ‘Goonengerry’ and into ‘Federal’ on the corner of Repentance Creek Rd and Federal Drive. This church (built before Federal Church) is part of Goonengerry’s heritage. Retention of the Google map diminishes the heritage value of Goonengerry.</p>	<p>Noted. A higher resolution map has been added to the preliminary heritage assessment.</p> <p>The planning proposal includes maps showing the location of the proposed heritage conservation area and listed items for Federal (Attachment 2).</p>
<p>The St Phillip & St James Church of England are not located in the Federal Area.</p>	<p>Noted. Both the St. Phillip and St. James Churches are not identified for inclusion within this proposal.</p>
<p>There should be a heritage zone around the Halls on the corner of Rose Road / Federal Drive. Any developments in that area should be very sensitively designed to be in the same scale as the buildings on the shop side of Federal drive and not be of a bulk and scale that dominates the halls or disadvantages the user’s amenity</p>	<p>Both buildings have been included within the proposed Heritage Conservation Area.</p> <p>Existing DCP controls within Chapters C1 and E6, and the Byron LEP 2014 clause 5.10 require consideration of Heritage values and the character of the area.</p> <p>The adoption of a heritage conservation area would create a Local Environmental Plan requirement for applications undertaking works</p>

Planning Proposal 26.2024.1.1 Federal Heritage Conservation Area and Additional Heritage Items.

	to consider the heritage character and potential impacts on the proposed heritage items and conservation area where applicable.
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Part 6 Project timeline

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

Plan making step	Estimated completion
Gateway Determination	August-September 2024
Agency Consultation	October 2024
Public Exhibition Period	October-November 2024
Submissions Assessment	December 2024
Submission of endorsed LEP to DPIE for finalisation (non-delegated)	February 2025
Submission of endorsed LEP amendment to Parliamentary Counsel for drafting (delegated authority)	February 2025
Council to make the LEP amendment (delegated authority)	March 2025
LEP amendment notification	March 2025

Conclusion

This Planning Proposal seeks to amend Byron Local Environmental Plan (LEP) 2014 to recognise the heritage significance of the historic village of Federal and places in the locality and provide statutory protection to these items to protect this legacy for future generations.

Appendix 1

The Planning Proposal includes places and buildings identified and supported by the Byron Shire Heritage Committee which are considered to be of heritage significance to the local area. Items have been assessed as meeting the criteria for listing as detailed in the draft State Heritage Inventory Forms (E2024/47651)