

Planning Proposal

The Farm, Ewingsdale Road, Byron Bay

for amendment to Byron Local Environmental Plan
2014



Byron Shire Council

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Part 1 Introduction

Objective and intended outcomes

The objective of this planning proposal is to amend Byron Local Environmental Plan 2014 (LEP 2014) to provide an approval pathway for existing land uses that are associated with farming activities at The Farm. These land uses, described further below, are prohibited in the RU1 zone and outside of the terms of existing approvals.

The outcome of the amendment to the LEP will be to add a new local clause to Part 6 of the LEP, listing additional land uses that will be permitted with consent on the site, within a mapped **Farming Precinct** and a mapped **Rural Activities Precinct** at the property.

To support the new local clause, Chapter E5 of Byron Development Control Plan 2014 is proposed to be amended by adding a new section relating to The Farm, setting out heads of consideration for the nominated uses, to address issues of scale and potential impact and ensure that any approved uses have, and maintain, an essential association with the primary production undertaken on the land.

The amendment to the LEP will not alter the existing RU1 Primary Production zoning of the land.

Property details and existing zones

This planning proposal relates to land located at the western end of Ewingsdale Road, Byron Bay, as shown below in Figure 1.

The individual lots subject to this planning proposal are:

- Lot 1 DP 780234; and
- Lot 5 DP 848222.

Property	Total Area (ha)	Zoning	Existing Uses
Lot 1 DP 780234	6.63	RU1 Primary Production	Vacant (contains effluent disposal area)
Lot 5 DP 848222	25.16	RU1 Primary Production	The Farm –buildings, associated infrastructure and farm plots



Background

The property contains a working farm and a cluster of buildings in the south-west part of the site, housing a restaurant and a number of individual businesses.

Farming at the site is being undertaken by individual 'share farmers', who each lease plots within the site, averaging 0.5-1.0ha. The approved and proposed uses within the building cluster are designed to provide an on-site market for the produce grown on the land.

This model provides small-scale farmers with a viable and affordable opportunity to get started in agriculture, and the provision of an on-site market for their goods provides a financial incentive and return.

The commercial operators, particularly the restaurant operators, work with the farmers to ensure that there is a diversity of products grown on-site and work to plan future plantings to maintain appropriate seasonal crops.

A secondary objective of the operation is food education, and The Farm offers vocational training events for farmers as well as farm tours for school groups, families and individuals, aimed at exposing the wider community to agriculture.

The following two Development Consents have been issued:

DA 10.2013.626.1 – Cheese Making Facility and Farm Café; approved 22 May 2014

Approved Restaurant / café;
uses:

Roadside stall;

Gelato/ coffee bar;

Cheese making facility (not constructed);

Car parking for 45 cars, 2 buses, 1 loading bay and 13 bicycles spaces, with new access from Woodford Lane; and

On-site waste water system.

DA 10.2015.151.1 – Agricultural Training Facility, Plant Nursery and Farm Produce Kitchen; approved 12 November 2015

Approved uses: Change of use of previously approved Rural Workers' Dwelling to "agricultural training facility";

Change of use of a small existing shed and its curtilage to a plant nursery;

An extension of the existing food preparation / kitchen area associated with the café/ restaurant partly into the area previously approved for cheese making;

Car parking to provide for a total of 199 cars, 2 buses, 1 loading bay and 20 bicycles spaces; and

Upgrade to on-site wastewater system.

Council resolutions

At the Council Meeting of 17 December 2020, Council resolved:

1. *Notes the update provided on the Planning Proposal for The Farm.*
2. *Agrees to withdraw the current Gateway Determination and associated Planning Proposal before 24 December 2020, as requested by the Department of Planning, Industry and Environment.*
3. *Simultaneously with 2 above, authorises staff to submit an amended Planning Proposal to the Department of Industry and Environment for Gateway determination. The new Planning proposal to be the same as the current, with the exception of the need for an SP2 Infrastructure zoning over the land that would be now covered by the Voluntary Planning Agreement.*
4. *Initiates discussions with the proponent and TfNSW to develop key principles that could form the basis of a Voluntary Planning Agreement, and report the results of discussions to Council prior to public consultation.*
5. *Pending Gateway Determination undertakes public exhibition of the Planning Proposal and consult with government agencies in accordance with the Gateway Determination.*

6. *Concurrently exhibits the draft amendment to Chapter E5 of Byron DCP 2014 - Certain Locations in Byron Bay and Ewingsdale*
7. *Receives a report outlining the public exhibition outcomes.*
8. *Continues to suspend enforcement action in relation to matters subject of the Planning Proposal until such time as a determination is made. Council may, however, use its discretion to take enforcement action in circumstances where it is demonstrated that an unauthorised activity or use imposes significant impacts on the environment. This undertaking does not exclude Council from its regulatory obligations in relation to the Food Act, Local Government Act and/ or Protection of the Environment Operations Act.*

This resolution follows previous discussions with the land owner and a previous Planning Proposal for which a Gateway determination was issued in July 2018.

In issuing the original Gateway determination, the Department of Planning, Industry and Environment (DPIE) directed that Council consult with Transport for NSW (TfNSW) to get agreement on the proposal before moving to public consultation.

Progress on the planning proposal was subsequently delayed in order to resolve traffic issues.

TfNSW suggested that a Voluntary Planning Agreement (VPA), to offset the development's contribution to the traffic and safety issues around access to the site, could provide a pathway for the planning proposal to progress.

The land owner agreed that this could be an acceptable solution. However, acceptable terms for the agreement could not be agreed by all three parties (land owner, Council TfNSW), primarily because, up until very recently, concept plans for traffic solutions had not been developed.

TfNSW have recently indicated that a VPA at this stage is premature and any required access improvements or road upgrades can be considered as part of any subsequent development applications. On this basis, TfNSW have indicated that the planning proposal can continue in its current state.

Given that the original Gateway period was to expire at the end of December 2020, this Planning Proposal is provided to recommence the process.

Part 2 Explanation of Provisions

The planning proposal seeks to amend Byron LEP 2014 by adding a new local clause that contains provisions providing an approval mechanism for the land uses nominated below.

The proposed provisions will:

- identify a 'Rural Activity Precinct' and a 'Farming Precinct' over the subject site, which will be identified on a Local Provisions Map; the Rural Activity Precinct will cover the

existing buildings on the site, with the remainder of the site mapped as Farming Precinct;

- describe the purpose and extent of the Rural Activity Precinct, which is to provide commercial outlets for farming products grown on site and opportunities for the community to learn about and appreciate farming;
- permit the following land uses with consent in the Rural Activity Precinct;
 - a. artisan food and drink industry, being a bakery;
 - b. development for the purposes of an information and education facility, being areas utilised for the provision of small group training;
 - c. development for the purposes of office premises, utilised solely for the management of agricultural or ancillary businesses that are conducted on the property; and
 - d. development for the purposes of an industrial training facility, being for the display of information relating to the property and its uses, or as a gathering point for individuals and groups undertaking training, education or recreational activities at the site.
- describe the purpose and extent of the Farming Precinct, which will be to preserve the bulk of the property for primary production and facilitate innovative community farming models, and provide opportunities for agricultural education/ appreciation and low scale recreational activities that are directly related to the primary production on the site;
- permit the following additional land uses with consent in the Farming Precinct;
 - a. farm field days and exhibitions;
 - b. farm tours for educational purposes, including individuals, school groups and other groups (limited to 30 people or 50 students in the case of a school group at a time);

The additional LEP provisions will establish an approval mechanism for a number of existing site uses, which are occurring on the land outside of the existing Development Consents.

These uses are not currently permissible with consent in the RU1 Primary Production Zone.

Council considers that these uses, being carried out in the context of the operation of the Farm – i.e. associated with the existing primary production activities – are of low impact and can be supported on the property.

Appendix A contains a suggested new local provision, to be added to Byron LEP 2014 and a preliminary Local Clause Map.

The new local clause will be supported by an amendment to Byron DCP 2014, to add a new section into Chapter E5 – Certain locations in Byron Bay and Ewingsdale. This new section, contained at **Appendix B**, provides additional standards and controls that will apply to the land uses permitted by the LEP amendment.

Part 3 Justification

Section A – Need for the Planning Proposal

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

No. The planning proposal proposes a local clause amendment to the LEP to address existing uses at land known as The Farm, which have commenced and/or expanded without authorisation.

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

The land uses proposed to be permitted on this property are currently prohibited in the RU1 Primary Production Zone, with the exception of *industrial training facility*.

The following alternatives have been considered:

1. Amend RU1 zoning table to add the uses to item 3 – Permitted with consent:

This option would permit the subject land uses within any land in the Shire zoned RU1. The intention of this proposal is to address the existing uses being carried out on The Farm, based on the unique nature of the land uses on the site, primarily noting the close association between on-site farming and the non-farming uses.

2. Change the zone of the subject site:

The merits of the existing non-farming land uses are that they retain an essential association with the agricultural enterprises being undertaken on the land. That agricultural use should remain the dominant land use, with the non-farming uses being undertaken to ensure that the individual smaller-scale farming enterprises remain feasible.

Changing to a non-farming zone would potentially alter this balance, allowing expansion on non-farming uses without an essential association with primary production on-site.

The proposed new local provision provides the best means of achieving the intended outcomes of this proposal.

Under the terms of Development Consent 10.2015.151.1, development for the purposes of *industrial training facility* is limited to one existing building on the site.

Development for this purpose is included in the suggested new local clause to provide parameters that would be considered acceptable within the development on this site.

The farming use of the land remains the primary focus of activities at the site, and the planning proposal aims to reinforce that by ensuring that any approved use has an essential association with existing agricultural/ primary production activities undertaken within the Farming Precinct at the site, or enables or enhances agricultural production at the site.

Section B – relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

The subject site is not located within the Urban Growth Area boundary under the *North Coast Regional Plan 2036 (NCRP)*. It is within the 'coastal strip' as identified in that plan.

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

- *Support a strong and diversified economy based on Byron Shire's unique character, landscapes and important farmland.*
- *Encourage new opportunities for agribusiness, particularly in relation to organic and boutique food production.*

The NCRP also contains principles that should be addressed for land that is outside that Urban Growth Area. The following table addresses these principles in relation to the planning proposal:

Urban Growth Variation Principles

Policy The variation needs to be consistent with the objectives and outcomes in the *North Coast Regional Plan 2036* and any relevant Section 117 Directions and State Environmental Planning Policies, and should consider the intent of any applicable local growth management strategy.

Goal 1: The most stunning environment in NSW

Principle 1: Direct growth to identified urban growth areas

The proposal relates to existing land uses and does not facilitate further growth.

Principle 2: Manage the sensitive coastal strip

The site is not contiguous with the urban growth area boundary. However, the planning proposal does not facilitate urban or rural residential development.

Principle 3: Provide great places to live and work in a unique environment

The planning proposal will assist in maintaining The Farm as a place to work, associated with farming activities at the site.

Goal 2: A thriving, interconnected economy

Direction 11: Protect and enhance productive agricultural lands

Action 11.4: Encourage niche commercial, tourist and recreation activities that complement and promote a stronger agricultural sector, and build the sector's capacity to adapt to changing circumstances.

The planning proposal seeks to ensure that future commercial and/ or tourism uses of the land retain an essential association with the farming activities undertaken at the site.

In this way, future uses will compliment existing agriculture, and also facilitate new and additional smaller-scale farming ventures.

S9.1 Directions and State Environmental Planning Policies are addressed below.

Infrastructure The variation needs to consider the use of committed and planned major transport, water and sewerage infrastructure, and have no cost to government.

The variation should only be permitted if adequate and cost-effective infrastructure can be provided to match the expected population.

The planning proposal addresses existing land uses, which are serviced by way of an on-site wastewater management system. There have been a number of recent upgrades to the system and the proponent has demonstrated that the system is operating in accordance with the terms of its approval, and that it has adequate capacity to service the uses at the site.

The site is well-located in terms of transport routes, although investigations are currently underway to plan for future upgrades of adjacent intersections, including the motorway interchange.

Significant traffic congestion is experienced at the round-about and on Ewingsdale Road. While traffic generated by The Farm is not the sole reason for this congestion, it is a contributor. As such, preliminary discussions involving the proponents, Council and TfNSW have indicated a need for a variety of road improvement upgrades to address the congestion, and the need for The

Farm to contribute to those solutions.

The proponents are working with Council and TfNSW to achieve solutions that will assist in the delivery of future upgrades for Ewingsdale Road.

Reticulated water supply is available by way of a Rous County Council main, and is augmented by rainwater capture.

Environmental and farmland protection The variation should avoid areas of high environmental or heritage value and mapped as important farmland

While there are a number of heritage items in the locality, the site itself does not contain any items of areas formally identified as having heritage value.

The site contains some areas of environmental value, in and around Simpsons Creek, located in the eastern sector.

The uses facilitated by the planning proposal are located away from the Simpsons Creek riparian area. The Farm management has implemented significant riparian revegetation works adjacent to Simpsons Creek.

The proposal relates to existing land uses and does not facilitate further development of important farmland, other than for farming purposes.

Issues associated with farmland are discussed below.

Land use conflict The variation must be appropriately separated from incompatible land uses, including agricultural activities, sewage treatment plants, waste facilities and productive resource lands.

The potential for land use conflicts, associated with uses in the rural activities precinct, can be managed by controls on the nature and scale of development within that precinct and by the provision of appropriate buffers within the subject land.

A Land Use Conflict Risk Assessment has been prepared in relation to the proposal, and is contained at **Appendix C**.

The buffer recommendations contained in that report have been incorporated in the draft DCP amendments, with a 5m wide strip of land along the full length of the property boundary adjoining farming land to be provided as a landscaped buffer. Activities authorised by this planning proposal will only be permitted outside of that buffer area.

Avoiding risk The variation must avoid physically constrained land identified as:

- flood prone;
- bushfire-prone;
- highly erodible;
- having a severe slope; and
- having acid sulfate soils

The site is not flood prone or bushfire prone. The slopes of the site do not present erosion risks.

The site does not contain acid sulfate soils.

Heritage The variation must protect and manage Aboriginal and non-Aboriginal heritage.

There are no known Aboriginal or non-Aboriginal heritage areas.

Coastal area Only minor and contiguous variations to urban growth areas in the coastal area will be considered due to its environmental sensitivity and the range of land uses competing for this limited area.

The variation to the urban growth boundary is of a relatively small scale and the planning proposal does not propose to alter the existing RU1 zone.

Important Farmland Interim Variation Principles

Agricultural capability

The land has agricultural capability and is currently used for farming. The planning proposal seeks to facilitate non-agricultural uses that are directly associated with the existing agriculture.

Land use conflict

The land adjoins an existing farm to the north, which is used for macadamias and cattle. The owners of that land have concerns regarding the potential impacts of The Farm's non-agricultural uses on their ability to farm.

In the main, these concerns can be addressed by:

- controls on the nature and scale of land uses permitted within the Rural Activities Precinct;
- the provision of appropriate buffers between the two properties;
- ensuring that all disposal areas for treated wastewater flow away from the adjoining property; and
- ensuring that The Farm has appropriate management measures in place to address biosecurity risks.

These concerns are considered further in the LUCRA

contained at **Appendix C**.

Environment and Heritage

The proposed land uses will not have an adverse impact on areas of high environmental value or Aboriginal or historic heritage significance.

Environmental enhancement works have been undertaken in conjunction with The Farm uses in the riparian area of Simpsons Creek that have improved the environmental value of that creek.

Avoiding Risk

The proposal raises no issues in regard to environmental risks.

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

Local Strategic Planning Statement:

The Local Strategic Planning Statement (LSPS) presents a 2036 vision and framework for land use within Byron Shire, outlining how growth and change will be managed to maintain the high levels of environmental amenity, liveability and landscape quality that characterises the Shire.

It sets out key themes and priorities for the Shire, which are addressed below in relation to this planning proposal:

A Sustainable Shire

SP1 Protect and enhance our biodiversity, ecosystems and ecology

The planning proposal will provide an approval mechanism for existing unauthorised land uses. It will not facilitate further expansion of facilities at The Farm.

SP2 Strive to become a sustainable community

Activities at The Farm are linked to small-scale agricultural pursuits, which assist in a small way to increased local resilience and provide start-up opportunities to farmers.

SP3 Adapt to climate change and build resilience

Local agriculture, albeit at a small scale, adds to local resilience.

A Liveable Shire

LP1 Support and celebrate our heritage, vibrant culture and diverse lifestyles

The existing land uses authorised by the planning proposal have limited impact on culture or diversity.

LP2 Create great places that support and encourage an active, healthy and connected community

The existing land uses authorised by the planning proposal have limited impact on creation of active healthy places, although the farm tours make a positive contribution.

LP3 Support housing diversity

Not relevant to this planning proposal

and affordability with housing growth in the right locations

A Thriving Shire

<i>TP1 Support a strong diversified and sustainable economy based on Byron Shire's unique character, landscapes and important farmland</i>	The commercial activities at The Farm provide added value to small-scale local agriculture, providing an economically viable way for start-up farming ventures.
<i>TP2 Develop and implement strategies to support agriculture, agri-business and farmers</i>	The land uses authorised by this planning proposal have a direct link to farming at the site, providing a market for small-scale start up agriculture.
<i>TP3 Promote and support local business development, education and employment opportunities</i>	The land uses authorised by this planning proposal provide for local jobs and small business enterprises.
<i>TP4 Deliver an adequate supply of employment</i>	The land uses authorised by this planning proposal provide for local jobs and small business enterprises.

A Connected Shire

<i>CP1 Ensure infrastructure delivery is aligned with planned growth</i>	This planning proposal has been developed in consultation with TfNSW who have acknowledged that traffic and access issues will be assessed through subsequent development applications.
<i>CP2 Lead partnerships to develop a network of sustainable transport</i>	Not directly relevant to this planning proposal.
<i>CP3 Support community wellbeing and appropriate community infrastructure</i>	Not directly relevant to this planning proposal.
<i>CP4 Provide essential services and reliable infrastructure which meets and acceptable community standard</i>	This planning proposal has been developed in consultation with TfNSW who have acknowledged that traffic and access issues will be assessed through subsequent development applications.

Rural Land Use Strategy:

Council has an adopted Rural Land Use Strategy. One of the key policy directions in that strategy is the protection of important farmland and support for farming and rural industry.

The planning proposal is consistent with this policy direction in that it aims to ensure that farming remains the dominant use of the land, with uses within the activities

precinct only permitted where they maintain an essential association with the onsite agriculture.

Community Strategic Plan:

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

Economy: A sustainable and diverse economy which provides innovative employment and investment opportunities in harmony with our ecological and social aims

The planning proposal supports the economy through creating employment linked to agriculture. It has the potential to create economic growth and demand without major ecological or social concerns.

Environment: Our natural and built environment is improved for each generation

The planning proposal assists the environment to be maintained and protected for future generations by restricting development to the scale currently operating at the site. The Planning Proposal does not facilitate expansion of non-agricultural activities or land uses.

Society and Culture: Resilient, creative and active communities with a strong sense of local identity and place

The land uses at The Farm are linked to innovative agricultural enterprises, that allow for farmers to get a start in the industry.

The CSP has been reviewed. On the basis of recent community engagement, it is now underpinned by the following four vision components:

Our community is empowered to be creative, innovative and listened to as we shape the future way of living that we want

The land uses at The Farm are linked to innovative agricultural enterprises, that allow for farmers to get a start in the industry.

The existing uses facilitated by this planning proposal are a key part of the overall business model, providing an on-site market for the agricultural products grown on the land.

While we strongly protect our Shire; its natural environment, lifestyle, diversity and community spirit, we welcome visitors and the contribution they make to our culture

The Farm is a valued destination for residents and visitors, primarily to the approved restaurant.

The farm tours, which will be facilitated by this planning proposal, provide for an additional visitor experience, which showcases the local area's agricultural expertise.

Our future is sustainable, we have the services and infrastructure we need to thrive, and we encourage and support local business and industry

The planning proposal facilitates local business.

We foster the arts and cultural activities, respect and acknowledge our first peoples and celebrate and embrace diverse thinking and being

Not directly applicable.

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

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

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

State Environmental Planning Policy (Coastal Management) 2018

Coastal wetlands and littoral rainforests area

The site contains two separate areas mapped as coastal wetlands (see below):



This planning proposal will not facilitate development on these areas. There are no areas mapped as littoral rainforest.

Development on land in proximity to coastal wetlands or littoral rainforest

This planning proposal will not facilitate development on areas mapped as proximate to coastal wetlands.

State Environmental Planning Policy No 55 – Remediation of Land

Preliminary site investigations were undertaken in association with previous development proposals for the site, demonstrating that the land is suitable for the uses approved.

State Environmental Planning Policy (Koala Habitat Protection) 2020

The subject site does not contain any areas of koala habitat, nor is it close to any such areas.

State Environmental Planning Policy (Primary Production and Rural Development) 2019

The planning proposal is consistent with the objectives of this SEPP as they are intended to facilitate the “orderly economic use and development of lands for primary production”.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s. 9.1 directions)?

Consistency with the Ministerial Directions is assessed in the following table:

9.1 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 any land within a business or industrial zone	Not applicable
1.2 Rural Zones	Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).	<p>The planning proposal does not aim to change the existing rural zoning of the site to a residential, business, industrial, village or tourist zone.</p> <p>The proposal does not alter lot size or density provisions.</p>	Consistent
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> <p>(a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or</p> <p>(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</p>	Nothing in this planning proposal will prohibit or restrict exploration or mining or the extraction of other material.	Not applicable

9.1 Direction	Application	Relevance to this planning proposal	Consistency
	incompatible with such development.		
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. 	The planning proposal does not impact on any Priority Oyster Aquaculture Areas (POAA).	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 existing rural or 	<p>The Principles outlined in part 4 of this Direction are addressed in the table below.</p> <p>It is considered that the Planning Proposal is consistent with all of the relevant rural planning provisions.</p>	Consistent

9.1 Direction	Application	Relevance to this planning proposal	Consistency
	<p>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 be consistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008.</p>		
<p>Part 4:</p> <p>A planning proposal must:</p>			
	<p><i>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</i></p>	<p>Council has recently adopted the Byron Shire LSPS which is broadly consistent with this planning proposal. The most relevant priorities are 'support a strong diversified and sustainable economy based on Byron Shire's unique character, landscapes and important farmland' and 'develop and implement strategies to support agriculture, agri-business and farmers.'</p> <p>Consistency with the relevant local strategy is addressed above.</p>	
	<p><i>consider the significance of agriculture and primary production to the State and rural communities</i></p>	<p>The planning proposal is consistent in that it provides a mechanism that will ensure the continuing viability of the innovative, small scale farming model undertaken on the site.</p>	

9.1 Direction	Application	Relevance to this planning proposal	Consistency
		Permitting agricultural education / training uses will provide for opportunities to educate the wider community about the importance of agriculture.	
	<i>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</i>	The planning proposal does not facilitate any uses that have the potential in negatively impact such values.	
	<i>consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions</i>	As above.	
	<i>promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities</i>	The planning proposal is consistent in that it provides a mechanism that will ensure the continuing viability of the innovative, small scale farming model undertaken on the site.	
	<i>support farmers in exercising their right to farm</i>	As above – also local controls within the proposed addition to Byron DCP will ensure that potential land use conflicts with adjoining farming activities will be avoided.	
	<i>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</i>	As above.	
	<i>consider State significant agricultural land identified in State Environmental Planning Policy (Primary Production and Rural Development) 2019 for the purpose of ensuring the ongoing viability of this land</i>	The land is not identified as State Significant.	

9.1 Direction	Application	Relevance to this planning proposal	Consistency
	<i>consider the social, economic and environmental interests of the community</i>	The planning proposal provides a mechanism that will ensure the continuing viability of the innovative, small scale farming model undertaken on the site, which will have positive impacts.	
2. Environment and Heritage			
2.1 Environment Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas. A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.	The planning proposal does not alter or remove any environment protection zone.	Not applicable
2.2 Coastal Protection Zones	This direction applies to land that is within the coastal zone, as defined under the Coastal Management Act 2016 - comprising the coastal wetlands and littoral rainforests area, coastal vulnerability area, coastal environment area and coastal use area - and as identified by the State Environmental Planning Policy (Coastal Management) 2018.	The land affected by this proposal is located outside of the coastal zone.	Not Applicable
2.3 Heritage Conservation	A planning proposal must contain provisions that facilitate the conservation of: (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical,	This planning proposal does not impact on any heritage items or provisions.	Not applicable

9.1 Direction	Application	Relevance to this planning proposal	Consistency
	<p>scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</p> <p>(b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</p> <p>(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</p>		
2.4 Recreation Vehicle Areas	A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the Recreation Vehicles Act 1983).	This planning proposal does not enable land to be developed for the purpose of a recreational vehicle area.	Not applicable
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far	<p>This direction applies when a relevant planning authority prepares a planning proposal:</p> <p>(a) that introduces or alters an E2</p>	The proposal does not involve any environmental zones or overlays.	Not applicable

9.1 Direction	Application	Relevance to this planning proposal	Consistency
North Coast LEPs	<p>Environmental Conservation or E3 Environmental Management zone;</p> <p>(b) that introduces or alters an overlay and associated clause.</p>		
2.6 Remediation of Contaminated Land	<p>This direction applies to:</p> <p>(a) land that is within an investigation area within the meaning of the Contaminated Land Management Act 1997,</p> <p>(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,</p> <p>(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:</p> <p>(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</p> <p>(ii) on which it would have been lawful to carry out such development</p>	<p>Preliminary site investigations were undertaken in association with previous development proposals for the site, demonstrating that the land is suitable for the uses approved.</p>	Consistent.

9.1 Direction	Application	Relevance to this planning proposal	Consistency
	during any period in respect of which there is no knowledge (or incomplete knowledge).		
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> <ul style="list-style-type: none"> (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary), (b) any other zone in which significant residential development is permitted or proposed to be permitted. 	The planning proposal does not affect residential zoned land.	Not applicable
3.2 Caravan Parks and Manufactured Home Estates	<p>In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:</p> <ul style="list-style-type: none"> (a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and (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) 	Not applicable to this planning proposal.	Not applicable

9.1 Direction	Application	Relevance to this planning proposal	Consistency
	Order 2006 that would facilitate the retention of the existing caravan park.		
3.3 Home Occupations	Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.	This proposal does not alter home occupation provisions in Byron LEP 2014.	Not applicable
3.4 Integrating Land Use and Transport	This direction 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.	Not applicable to this planning proposal.	Not applicable
3.5 Development Near Regulated Airports and Defence Airfields	This direction applies when a relevant planning authority prepares 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.	This planning proposal does not alter or remove a zone in proximity to a regulated airport.	Not applicable.
3.6 Shooting Ranges	This direction 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.	This planning proposal does not affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.	Not applicable

9.1 Direction	Application	Relevance to this planning proposal	Consistency
3.7 Reduction in non-hosted short term rental accommodation period	This direction applies 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.	Not applicable	Not applicable
4. Hazard and Risk			
4.1 Acid Sulfate Soils	This direction 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.	The land is not mapped as being affected by Acid Sulfate Soils.	Not applicable
4.2 Mine Subsidence and Unstable Land	This direction applies to land that: (a) is within a Mine Subsidence District proclaimed pursuant to section 15 of the Mine Subsidence Compensation Act 1961, or (b) has been identified as unstable land.	This planning proposal does not apply to land within a mine subsidence district or identified as unstable land.	Not applicable
4.3 Flood Prone Land	This direction 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.	The land is not flood prone.	Not applicable
4.4 Planning for	This direction applies when a relevant	The land is not identified as being bushfire	Not

9.1 Direction	Application	Relevance to this planning proposal	Consistency
Bushfire Protection	planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.	prone.	applicable
5. Regional Planning			
5.1 Implementation of Regional Strategies	<p>This direction applies to land to which the following regional strategies apply:</p> <ul style="list-style-type: none"> (a) South Coast Regional Strategy (excluding land in the Shoalhaven LGA) (b) Sydney–Canberra Corridor Regional Strategy 	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 State and Regional Significance on the NSW Far North Coast	<p>This applies to Byron Shire Council except within areas contained within the “urban growth area” mapped in the North Coast Regional Plan 2036. A planning proposal must not:</p> <ul style="list-style-type: none"> (a) rezone land identified as “State Significant Farmland” for urban or rural residential purposes. (b) rezone land identified as “Regionally Significant Farmland” for urban or rural residential purposes. (c) rezone land identified as “significant 	The land is mapped as Regionally Significant Farmland. The planning proposal does not propose to alter the existing RU1 Primary Production zoning. The draft provisions will ensure that non-farming uses are only permitted where there is an essential association with agriculture on the land.	Consistent

9.1 Direction	Application	Relevance to this planning proposal	Consistency
	non-contiguous farmland” for urban or rural residential purposes.		
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	<p>This Direction applies when a relevant planning authority prepares a planning proposal for land in the vicinity of the existing and/or proposed alignment of the Pacific Highway. A planning proposal that applies to land located on “within town” segments of the Pacific Highway must provide that:</p> <ul style="list-style-type: none"> (a) new commercial or retail development must be concentrated within distinct centres rather than spread along the highway; (b) development with frontage to the Pacific Highway must consider impact the development has on the safety and efficiency of the highway; and (c) for the purposes of this paragraph, “within town” means areas which, prior to the draft local environmental plan, have an urban zone (e.g.: “village”, “residential”, “tourist”, “commercial”, “industrial”, etc.) and where the Pacific Highway speed limit is less than 80km/hour. <p>A planning proposal that applies to land located on “out-of-town” segments of the</p>	<p>There are existing traffic congestion issues which affect the Pacific Highway. Traffic from the unauthorised uses at The Farm, while not the sole cause or significant contributor to this congestion, nonetheless contributes to traffic volumes at the Highway interchange, which is currently experiencing capacity issues.</p> <p>TfNSW has now commenced a Movement and Place project for this locality, which will address these issues.</p>	Not applicable.

9.1 Direction	Application	Relevance to this planning proposal	Consistency
	<p>Pacific Highway must provide that:</p> <ul style="list-style-type: none"> (a) new commercial or retail development must not be established near the Pacific Highway if this proximity would be inconsistent with the objectives of this Direction; (b) development with frontage to the Pacific Highway must consider the impact the development has on the safety and efficiency of the highway; and (c) for the purposes of this paragraph, “out-of-town” means areas which, prior to the draft local environmental plan, do not have an urban zone (e.g.: “village”, “residential”, “tourist”, “commercial”, “industrial”, etc.) or are in areas where the Pacific Highway speed limit is 80km/hour or greater. 		
5.5 – 5.8 Revoked	-	-	-
5.9 North West Rail Link Corridor Strategy	Not Applicable	Not applicable	Not applicable
5.10 Implementation of Regional	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

9.1 Direction	Application	Relevance to this planning proposal	Consistency
Plans			
5.11 Development of Aboriginal Land Council land	This direction applies when a planning proposal authority prepares a planning proposal for land shown on the Land Application Map of State Environmental Planning Policy (Aboriginal Land) 2019.	Not applicable	Not applicable
6. Local Plan Making			
6.1 Approval and Referral Requirements	<p>A planning proposal must:</p> <ul style="list-style-type: none"> (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 authority unless the relevant planning authority has obtained the approval of: <ul style="list-style-type: none"> (i) the appropriate Minister or public authority, and (ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the 	This planning proposal will not include provisions that require concurrence, consultation or referral of development applications to a Minister of public authority. It does not identify development as designated development.	Consistent

9.1 Direction	Application	Relevance to this planning proposal	Consistency
	<p>Act, and</p> <p>(c) not identify development as designated development unless the relevant planning authority:</p> <p>(i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and</p> <p>(ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.</p>		
6.2 Reserving Land for Public Purposes	A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning and Environment (or an officer of the Department nominated by the Director-	This planning proposal does not create, alter or reduce land for public purposes	Consistent

9.1 Direction	Application	Relevance to this planning proposal	Consistency
	General).		
6.3 Site Specific Provisions	<p>This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.</p> <p>A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:</p> <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>	<p>The planning proposal will facilitate nominated development to be carried out.</p> <p>Specific controls are proposed in relation to those uses, to ensure that they remain consistent with the primary production zoning of the land.</p> <p>It is considered that the additional local clause is the appropriate mechanism in this case, rather than changing the zoning of the land, in order to retain the overall agriculture focus and objectives for the site</p>	Justifiably inconsistent

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 this proposal?

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

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are negligible environmental effects likely as a result of the minor amendments and corrections outlined in this Planning Proposal.

Q9. Has the planning proposal adequately addressed any social and economic effects?

The maintenance of land uses at the site which facilitate and support the existing agricultural activities results in a number of social and economic benefits for the locality, area and region.

Section D – State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

There is adequate public road infrastructure provision at the moment, but planning is underway for the future upgrade of the local road network in this area, which will benefit the site.

Q11. What are the views of the State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

Transport for NSW has been involved in this planning proposal in relation to working through possible solutions to manage the traffic generation from The Farm. TfNSW has outlined their preliminary support for the planning proposal and notes further detailed assessment will be applicable with subsequent development applications.

Other agencies will have an opportunity to input following Gateway Determination.

Part 4 – Mapping

Finalisation of the Planning Proposal will introduce a **Local Provisions Map** linked to the new proposed clause. This map will specifically reference the clause and illustrate the site and the location and extent of the nominated activity precincts. A draft local provisions map is contained at **Appendix A**.

Part 5 – Community Consultation

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

- Site meetings and discussions with The Farm management, with both Councillors and staff;
- On-site meetings with the adjoining farmers / land owners;
- Discussions with local Ewingsdale residents.

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

- Dialogue and meetings with The Farm management and their representatives to ensure that Council's objectives continue to be clearly communicated and understood;
- Provision of supporting reports etc. to adjoining farmers and meetings with those land owners (at their farm) to ensure Council continues to understand and respond to their issues of concern;
- Attendance at meetings of the Ewingsdale Progress Association to keep members informed throughout the process and ensure that Council staff and Councillors remain aware of local issues and concerns; and
- Wider consultation with the Byron community.

Part 6 – Project Timeline

Plan making step	Estimated completion
Council resolved to seek a Gateway determination	December 2020
Gateway determination	February 2021
Agency Consultation	March 2021
Public Exhibition Period	March 2021
Submissions Assessment	April 2021
Submission of endorsed LEP amendment to Parliamentary Counsel for drafting (delegated authority)	June 2021

Council to make the LEP amendment (delegated authority)	July 2021
LEP amendment notification	August 2021

Conclusion

This Planning Proposal seeks to introduce a new local clause into Byron LEP 2014 to provide for a range of land uses at The Farm, Ewingsdale, that are ancillary to and supportive of the farming activities being carried out on the land.

The specific provisions will ensure that primary production remains the dominant use of the land, and that the additional uses will have and maintain an essential association with that farming. These uses provide an on-site market for the produce and assist to ensure the ongoing viability of the agricultural activities.

Issues associated with potential land use conflicts can be addressed during the planning proposal process, primarily through the provision of appropriate buffers within the site.

This planning proposal will not impact on environmental areas nor create unreasonable demand on urban infrastructure.

This planning proposal will have positive social and economic effects by offering additional agricultural employment and trading opportunities for local people and businesses.

The proposed LEP amendments are generally consistent with the North Coast Regional Plan 2036 and Council's Rural land Use Strategy. An assessment of the planning proposal indicates that it is consistent with relevant SEPPs and s9.1 Directions.

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

Appendix A Proposed LEP Amendments

The following supporting information is attached to this planning proposal.

The following clause is proposed to be added to Section 6 of Byron LEP 2104:

6.xx Use of certain land at The Farm, Ewingsdale Road, Ewingsdale

- (1) *This clause applies to land at Ewingsdale Road, Ewingsdale (known as The Farm) being Lot 1, DP 780234 and Lot 5, DP 848222, and identified as “Area I” on the Local Provisions Map.*
- (2) *The **Rural Activity Precinct** shown on the Local Provisions Map applies to that part of the land containing a cluster of existing buildings, located generally in the south-west corner of the property.*

*The objective of this clause in relation to the **Rural Activity Precinct** is to specify additional permitted uses that may be carried out with development consent, in addition to those permitted in the RU1 Primary Production Zone, being uses that provide commercial outlets for farming products grown on site and opportunities for the community to learn about and appreciate farming.*

- (3) *Within the **Rural Activity Precinct** shown on the Local Provisions Map, notwithstanding clause 6.8 development for the following purposes is permitted with consent:*
 - (a) *Development for the purposes of an artisan food and drink industry, being a bakery;*
 - (b) *Development for the purposes of an information and education facility, being areas utilised for the display of information relating to the property and its uses, or for the provision of information and/ or training relating to agriculture or recreational activities at the site; and*
 - (c) *Development for the purposes of office premises, utilised solely for the management of agricultural or ancillary businesses that are conducted on the property.*

This clause has effect despite anything to the contrary in the Land Use Table.

- (4) *The **Farming Precinct** shown on the Local Provisions Map applies to all areas outside of the **Rural Activity Precinct**.*

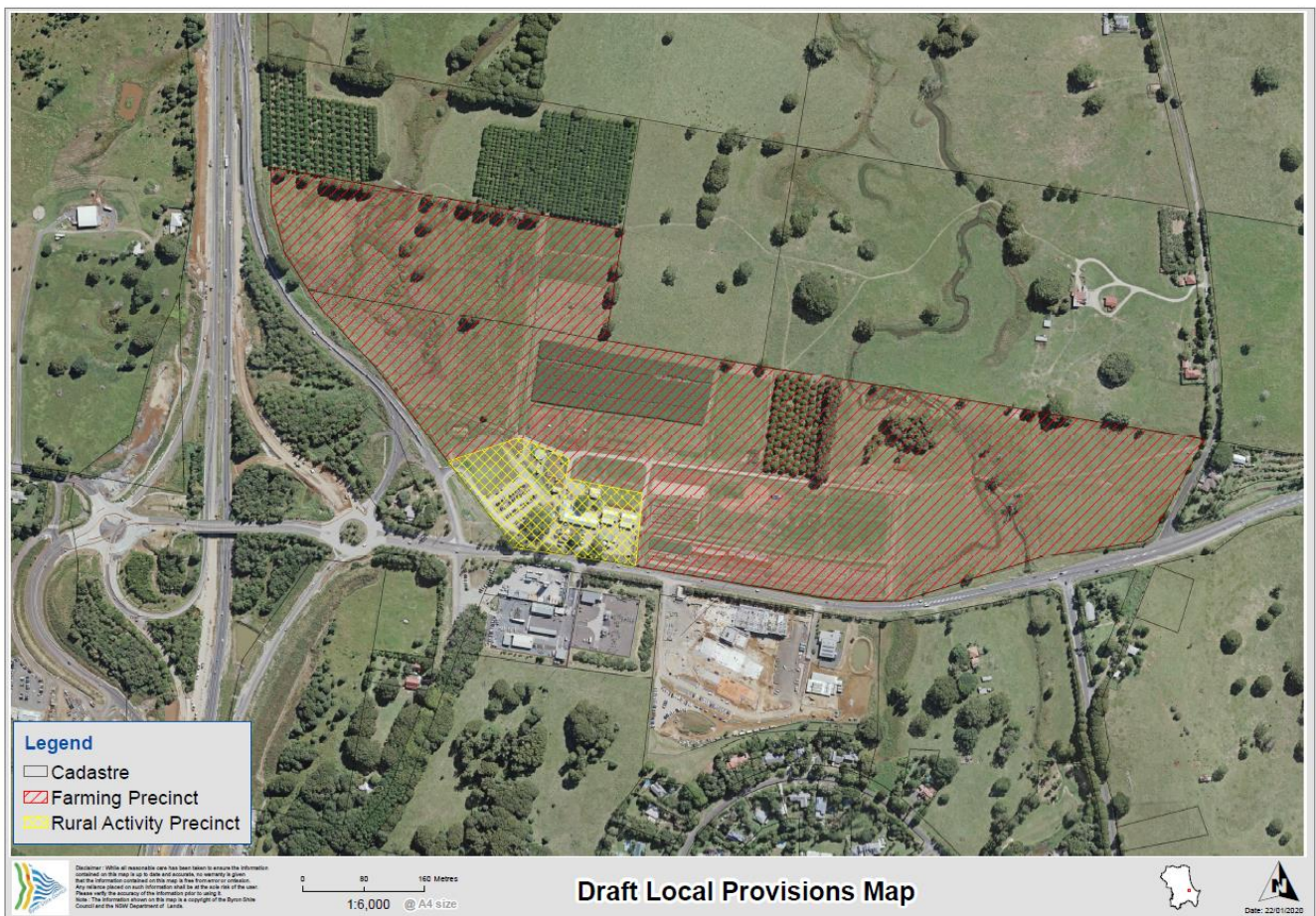
*The objectives of this clause in relation to the **Farming Precinct** are to preserve the bulk of the property for primary production and facilitate innovative community farming models and to provide opportunities for agricultural education/ appreciation and low-scale recreational activities that are directly related to primary production.*

- (5) *Within the **Farming Precinct** shown on the Local Provisions Map, notwithstanding clause 6.8 development for the following purposes is permitted with consent:*
 - (a) *Farm field days and exhibitions;*

- (b) *Farm tours for educational purposes, including individuals, school groups, and other groups of up to 30 people at a time.*

Local Provisions Map

This will be the first Local Provisions Map in the Byron LEP 2014”



Appendix B Suggested DCP Amendment

E5.8 The Farm

E5.8.1 Where this Section Applies

This section applies to land at Ewingsdale Road, Ewingsdale, known as The Farm; being Lot 1, DP 780234 and Lot 5, DP 848222, as shown on the **Local Provisions Map** within Byron Local Environmental Plan 2014.

Clause 6.xx of the Byron Local Environmental Plan 2014 specifies a number of land uses that are permissible on the site, which are additional to those permitted in the zoning table to the LEP.

The provisions in this Part of Chapter E5 relate to the land uses permitted in that Clause. They do not apply to other land uses permitted within the RU1 Primary Production zone.

In the event of any inconsistency between this Section and other Chapters in this DCP, the provisions of this Section shall prevail.

E5.8.2 Objective of this Section

The objective of this Section is to outline planning controls to regulate the additional land uses permitted under the provisions of Clause 6.xx of Byron Local Environmental Plan 2014.

E5.8.3 Rural Activity Precinct

The location and extent of the Rural Activity Precinct is shown on the **Local Provisions Map** within Byron Local Environmental Plan 2014. It applies to the part of the land containing a cluster of existing buildings, located in the south-west corner of the property.

Objectives:

The objective of the Rural Activity Precinct is to provide commercial outlets for farming products grown on site and opportunities for the community to learn about and appreciate farming

Performance Criteria:

1. Land uses within the Rural Activity Precinct should have a direct connection with farming pursuits being undertaken on the property; and
2. The nature and scale of land uses should not result in conflicts with farming activities on adjacent properties.

Prescriptive Measures:

1. An artisan food and drink industry, being a bakery, must be located within an existing building, and used for the preparation and sale of bread and other bakery goods,

provided that a majority of the products contain ingredients sourced directly from the property;

2. An information and education facility, must utilise areas within existing buildings or their immediate curtilage, and provide small group training where that training is related to agriculture or rural industry, excluding training relating to marketing and/ or administration aspects of agriculture;
3. Development consent must not be granted for any use within the Rural Activity Precinct shown on the **Local Provisions Map** within Byron Local Environmental Plan 2014, unless Council is satisfied that:
 - (a) the use has an essential association with existing agricultural/ primary production activities undertaken within the **Farming Precinct** at the site, or enables or enhanced agricultural production on the site;
 - (b) the use will not limit the operation and/ or expansion of adjoining and nearby agricultural uses;
 - (c) wastewater generated by the proposed use will be within the treatment and disposal capacity of the approved on-site wastewater management system;
 - (d) there are no new or additional buildings proposed on the site;
 - (e) traffic generated by the proposed use will not result in total peak hour trips (i.e. from the site as a whole), exceeding 200 trips outside of school holiday periods or 350 trips during holiday periods;
 - (f) individual events undertaken within agricultural training/ education facilities involve a maximum of 30 people, with the exception of school groups, which can have more participants; and
 - (g) there will be no more than 1 training/ education event per week within the agricultural training/ education facilities.

E5.8.4 Farming Precinct

The location and extent of the Farming Precinct is shown on the **Local Provisions Map** within Byron Local Environmental Plan 2014. It applies to all of the property outside of the Rural Activity Precinct.

Objectives:

The objective of the Farming Precinct is to provide for primary production on the land and opportunities for the community to learn about and appreciate farming.

Performance Criteria:

1. Land uses within the Farming Precinct should have a direct connection with farming pursuits being undertaken on the property; and
2. The nature and scale of land uses should not result in conflicts with farming activities on adjacent properties.

Prescriptive Measures:

1. Development consent must not be granted for a farm field day or exhibition within the **Farming Precinct** shown on the **Local Provisions Map** within Byron Local Environmental Plan 2014, unless Council is satisfied that:
 - (a) there are a maximum of 4 such events in any calendar year;
 - (b) there are no more than 100 people attending any individual event;
 - (c) events are scheduled such that event traffic avoids morning and afternoon peak hour periods;
 - (d) events will not occur concurrently with any use of the agricultural training / education facilities within the Rural Activities Precinct;
 - (e) a Noise Management and Monitoring Plan has been prepared for each event, including:
 - details to ensure adequate measures, roles and responsibilities are in place to ensure that event noise remains inaudible above background levels at nearby dwellings;
 - assessment of expected noise impacts;
 - detailed examination of all feasible and reasonable management practices that will be implemented to minimise noise impacts
 - strategies to promptly deal with and address noise complaints. This should include any records that should be kept in receiving and responding to any noise complaints;
 - details of performance evaluating procedures (for example, sound checks on amplified public address systems);
 - procedures for notifying nearby residents living within 1 kilometre of the property of forthcoming events, times that they are likely to notice noise emanating from the site and the contact details for the onsite manager for complaints and queries to be made, and responded to;
 - operational details about the use of any noise monitoring equipment to record sound pressure levels around the property;
 - name and qualifications of person who prepared the report; and
 - protocols for the monitoring of the event, including a requirement that a report be provided to Council following the event.
2. A continuous strip of land, with a minimum width of 5m, is to be provided along all boundaries that adjoin privately owned farm land. That 5m strip is to be densely landscaped to provide a visual screen between the properties.

Appendix C Land Use Risk Assessment