



press clip

Restriction halting project removed

New Byron train service on track

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BYRON Bay's first train service since 2004 is back on track after Byron Shire Council voted to remove a planning restriction which threatened to derail the project.

Construction of the planned 3km tourist shuttle from the Elements of Byron resort to the Byron Bay CBD was halted some months ago, after Transport for NSW, the owners of the track, refused to consent to a coastal erosion planning restriction which was part of the development application for the project.

The restriction, under Section 88E of the Conveyancing Act 1919, would have required the Byron Bay town platform to be removed and the land revegetated if the ocean came within 50m of the building.

It's understood the issue for Transport for NSW was the restriction being placed on the title of the land, which would have had implications for the entire 132km train line – as well as public assets near the coast all over the state.

The entire rail corridor would also need to be formally closed for the title to be placed on the land.

At the October meeting six Byron Shire councillors voted to remove the

restriction from the DA, while three - Cate Coorey, Paul Spooner, and Jan Hackett - voted against.

The application by the proponent, Byron Bay Railroad Company, was on public exhibition for two weeks and there were 93 submissions in support and 29 submissions against.

Council staff recommended approval of the request because the proponent had already agreed in a separate condition of the DA to to remove its infrastructure if the ocean came within 50m.

In opposing the removal of the restriction, councillors Spooner, Coorey and Hackett said the application would set a precedent for other landowners to bypass Section 88E. Cr Coorey also questioned the amount of community support for the train.

But staff had already noted removing the restriction would not create a precedent because the land was not residential or commercial land.

President of the Northern Rivers Railway Action Group Lydia Kindred said Cr Coorey had "overlooked" the 93 applications made in support of the application.

The train's maiden 40kmh

voyage, lasting about 6 minutes, is now expected to run sometime in April 2017, with hopes it will be ready by Easter.

Tickets are \$3 one way, or \$6 return.



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RED RATTLER: This train will soon call Byron home.