

Byron LEP 2014 - Secondary Dwellings in the RU5 Village zone

Proposal Title : **Byron LEP 2014 - Secondary Dwellings in the RU5 Village zone**

Proposal Summary : **The proposal seeks to amend the Byron Local Environmental Plan (LEP) 2014 to permit 'secondary dwellings' with consent in the RU5 Village zone.**

PP Number : **PP_2015_BYRON_007_00** Dop File No : **15/13261**

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **2.2 Coastal Protection
3.1 Residential Zones
3.4 Integrating Land Use and Transport
4.1 Acid Sulfate Soils
4.3 Flood Prone Land
4.4 Planning for Bushfire Protection
5.1 Implementation of Regional Strategies**

Additional Information : **It is recommended that:**

- 1) The planning proposal should proceed as a "routine" planning proposal;**
- 2) The Secretary's (or an officer nominated by the Secretary) agree that inconsistency with s117 Directions 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land are of minor significance;**
- 3) The Secretary (or an officer nominated by the Secretary) note that the inconsistency with s117 Direction 4.4 Planning for Bushfire Protection is outstanding and needs to be resolved prior to the making of the plan;**
- 4) Council is required under section 56(2)(d) of the EP&A Act and to comply with the relevant s117 Direction, to consult with the NSW Rural Fire Service prior to community consultation;**
- 5) The planning proposal have a community consultation period of 28 days;**
- 6) The planning proposal be completed in six (6) months;**
- 7) An authorisation to exercise delegation should be issued to Byron Shire Council.**

Supporting Reasons : **The reasons for the above recommendations for the planning proposal are as follows:**

- 1. Permitting secondary dwellings in the RU5 Village areas is a matter of local significance.**
- 2. The proposal is otherwise consistent with all the relevant local and regional planning strategies, contributing to housing choice and affordability throughout the Byron LGA.**
- 3. The recommended conditions to the Gateway are required to provide adequate consultation, accountability and progression.**

As the matter is of local significance delegation for Council to finalise the planning proposal is recommended in this instance.

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Panel Recommendation

Recommendation Date : **15-Sep-2015**

Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **This planning proposal is considered of local significance and the Gateway determination is to be issued under delegation by the General Manager, Northern Region. Therefore the planning proposal will not be considered by the panel.**

Gateway Determination

Decision Date : **17-Sep-2015**

Gateway Determination : **Passed with Conditions**

Decision made by : **General Manager, Northern Region**

Exhibition period : **28 Days**

LEP Timeframe : **6 months**

Gateway Determination : **The planning proposal should proceed subject to the following conditions:**

1. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

(a) the planning proposal must be made publicly available for a minimum of 28 days; and
(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).

2. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the Act. The NSW Rural Fire Service is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

4. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.

Signature: _____



Printed Name: _____

Craig Diss

Date: _____

17 September 2015