

Proposed Multiple Occupancy , 226 Fowlers Lane near Bangalow

Proposal Title : **Proposed Multiple Occupancy , 226 Fowlers Lane near Bangalow**

Proposal Summary : **This planning proposal will allow land at No 226 Fowlers Lane Bangalow to be developed for multiple occupancy ("rural land sharing") purposes in accordance with clause 4.2B of Byron LEP 2014.**

PP Number : **PP_2014_BYRON_005_00** Dop File No : **14/16510**

Proposal Details

Date Planning Proposal Received : **30-Sep-2014** LGA covered : **Byron**

Region : **Northern** RPA : **Byron Shire Council**

State Electorate : **BALLINA** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **Fowlers Lane**

Suburb : City : **Bangalow** Postcode : **2479**

Land Parcel : **Lot 6 DP 261219**

DoP Planning Officer Contact Details

Contact Name : **Paul Garnett**

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RPA Contact Details

Contact Name : **Emma-Jayne Leckie**

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DoP Project Manager Contact Details

Contact Name : **Jim Clark**

Contact Number : **0266416604**

Contact Email : **jim.clark@planning.nsw.gov.au**

Land Release Data

Growth Centre : Release Area Name :

Regional / Sub Regional Strategy : **Far North Coast Regional Strategy** Consistent with Strategy : **Yes**

Proposed Multiple Occupancy , 226 Fowlers Lane near Bangalow

MDP Number :

Date of Release :

Area of Release
(Ha) :

Type of Release (eg
Residential /
Employment land) :

Residential

No. of Lots : 0

No. of Dwellings : 9
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Lobbyists Code of
Conduct has been
complied with : **Yes**

If No, comment :

Have there been meetings or
communications with
registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

External Supporting
Notes :

Provision for multiple occupancy / community title (MO/CT) development for this site was included by Byron Council in Byron LEP 2014 after its public exhibition. However the property was omitted from the final LEP as the proposal had not been exhibited to the public. It was suggested to Council that a new planning proposal could be submitted and any such proposal would be considered on its merits. This proposal is for multiple occupancy.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objective is clearly stated - to enable a rural holding to be utilised for multiple occupancy development, agricultural uses and ecological enhancement.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of provisions is clearly stated - to enable the use of clause 4.2B "...Multiple Occupancy or Rural Landsharing Community Developments" of Byron LEP 2014 by adding the property to the Multiple Occupancy and Community Title Map.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.2 Rural Zones

1.3 Mining, Petroleum Production and Extractive Industries

1.5 Rural Lands

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

5.3 Farmland of State and Regional Significance on the NSW Far North Coast

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

SEPP (Rural Lands) 2008

North Coast REP 1988

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Only a location map is provided. However the planning proposal will amend the Multiple Occupancy and Community Title Map in Byron LEP 2014, and a revised map tile should be exhibited with the proposal.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The community participated in a Local Area Management Plan (LAMP) process which recommended MO for this and nearby sites and was subsequently incorporated into the Byron Rural Settlement Strategy (BRSS) in 1998.

Council now proposes an exhibition period of 14 days, which is acceptable.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

The planning proposal satisfies the adequacy criteria by:

- 1) Providing appropriate objectives and intended outcomes;**
- 2) Providing a suitable explanation of the provisions for the LEP to achieve the outcomes;**
- 3) Providing an adequate justification for the proposal;**
- 4) Allowing a suitable proposed community consultation program;**
- 5) Providing a time line for the completion of the proposal. Council has suggested a time line of about nine(9) months, which includes the Christmas holiday period. This is acceptable**

Council has requested delegations to finalise the proposal and provided a checklist. This is a minor local matter and delegation is appropriate.

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

Byron LEP 2014 is a Standard Instrument LEP made in May 2014. It came into force on 21 July 2014.

Assessment Criteria

Need for planning
proposal :

The land is zoned RU2 Rural Landscape , with a small area of RU1 Agricultural Protection along the eastern boundary, and an area deferred (originally E3 Environmental Management) in the north-west corner.

A planning proposal is the only way to implement multiple occupancy provisions over this site. The provisions rely on the site being indicated on the MO/CT Map which invokes the standards in clause 4.2B of the LEP.

Consistency with
strategic planning
framework :

The Far North Coast Regional Strategy does not specifically address multiple occupancy as an issue. The Byron Rural Settlement Strategy also did not dictate where MOs could be, although findings of the LAMP process mentioned earlier included this site.

In statutory terms, SEPP15 Rural Land Sharing Communities, and clause 17A of the former Byron LEP 1988 allowed MO developments generally anywhere . (For community title (CT) development which involves small lot subdivision, strategic planning justification is required - however this proposal is not for CT.)

The conclusion is that the proposal is not inconsistent with the strategic planning framework.

While the planning proposal nominates a number of section 117 directions and SEPPs, there are inconsistencies with:-

-directions 1.2, 1.5 Rural Land / Zones and 5.3 Farmland of State and Regional Significance. Comments on these three directions are similar. The land contains an area of regionally significant farmland and a small area of State significant farmland (zoned RU1). The planning proposal does not alter zonings and agricultural production is able to continue on the land where possible. The proposal includes a map indicating areas of "productive systems" where limited agriculture could take place, having regard to topographical restrictions.

The inconsistencies are considered justified as of minor significance; and

- 4.4 Planning for Bushfire Protection. The land is indicated as bushfire prone and Council is asking for supplementary information on this aspect. This inconsistency will be resolved when the Council consults with the Rural Fire Service.

Environmental social
economic impacts :

The planning proposal indicates there are areas of ecological value on the site. This issue can be further explored in "supplementary information" which the Council indicates will be required.

Other issues which can be addressed at development stage include land containment (if any); protection of water systems; traffic access and bushfire management. None of these are of sufficient significance to prevent the proposal proceeding.

Multiple occupancy development can result in positive social impacts for the community, including housing / lifestyle opportunities which are "different" and have been argued to be more "affordable" , resident involvement in maintenance of local ecological systems and increased use / development of facilities to benefit the wider community.

Proposed Multiple Occupancy , 226 Fowlers Lane near Bangalow

Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **NSW Rural Fire Service**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Flora

Fauna

Bushfire

Other - provide details below

If Other, provide reasons :

**Traffic and access from the Pacific Highway; and
Contamination Risk**

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
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Planning Team Recommendation

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

S.117 directions:

- 1.2 Rural Zones**
- 1.3 Mining, Petroleum Production and Extractive Industries**
- 1.5 Rural Lands**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**
- 5.3 Farmland of State and Regional Significance on the NSW Far North Coast**
- 6.1 Approval and Referral Requirements**
- 6.3 Site Specific Provisions**

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

Proposed Multiple Occupancy , 226 Fowlers Lane near Bangalow

- 1) the planning proposal should proceed as a routine planning proposal;
- 2) the Secretary (or an officer nominated by the Secretary) agrees that the inconsistencies with s117 Directions 1.2 Rural Zones; 1.5 Rural Lands and 5.3 Farmland of State and Regional Significance on the NSW Far North Coast are justified as of minor significance;
- 3) the officer note that the inconsistency with 4.4 Planning for Bushfire Protection will be resolved through consultation prior to exhibition with the NSW Rural Fire Service;
- 4) supplementary information as suggested by the Council be obtained concerning bushfire risk, contamination risk, flora and fauna and traffic and access issues, to be placed on exhibition with the planning proposal;
- 5) a map indicating amendment to the Multiple Occupancy / Community Title Maps in Byron LEP 2014 be prepared in accordance with the Department's Technical Guidelines and placed on public exhibition;
- 6) the planning proposal be considered as low impact and be exhibited for 14 days;
- 7) the planning proposal be completed in nine(9) months; and
- 8) delegation be issued to Council to finalise the planning proposal.

Supporting Reasons : This proposal is minor and local in nature and is an appropriate means of permitting multiple occupancy development on land suitable for that purpose.

Signature: _____

Printed Name: _____

JIM CLARK

Date: _____

2 October 2014