

Rezoning of Lot 10 DP748099, 10 Byron Bay Road, Bangalow from RE2 Private Recreation to SP3 Tourist and R2 Low Density Residential and reclassify Lot 5 DP 609656 from Community to Operational Land.

Proposal Title :	Rezoning of Lot 10 DP748099, 10 Byron Bay Road, Bangalow from RE2 Private Recreation to SP3 Tourist and R2 Low Density Residential and reclassify Lot 5 DP 609656 from Community to Operational Land.		
Proposal Summary :	The Planning Proposal aims to rezone Lot 10 DP 748099, 10 Byron Bay Road, Bangalow from RE2 Private Recreation to part SP3 Tourist and part R2 Low Density Residential for the purpose of tourist accommodation and low density residential use and to reclassify Lot 5 DP 609656 from Community to Operational Land (no interests changed). The proposal will also apply a floor space ratio of 0.5 and a minimum lots size of 1000m2 to the R2 zone land and 2000m2 to SP3 zone land.		
PP Number :	PP_2014_BYRON_007_00	Dop File No :	14/15142

Proposal Details

Date Planning Proposal Received :	11-Dec-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 :	10 Byron Bay Road		
Suburb :	City :	Postcode :	
Land Parcel :	Lot 10 DP 748099		
Street :			
Suburb :	City :	Postcode :	
Land Parcel :	Lot 5 DP 609656		

Rezoning of Lot 10 DP748099, 10 Byron Bay Road, Bangalow from RE2 Private Recreation to SP3 Tourist and R2 Low Density Residential and reclassify Lot 5 DP 609656 from Community to Operational Land.

DoP Planning Officer Contact Details

Contact Name : **Gina Davis**
 Contact Number : **6701968700**
 Contact Email : **gina.davis@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Joe Davidson**
 Contact Number : **0266267021**
 Contact Email : **joe.davidson@byron.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :
 Contact Number :
 Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	
Regional / Sub Regional Strategy :	Far North Coast Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	0.10	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	4
Gross Floor Area :	0	No of Jobs Created :	0

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

If No, comment : **The Department of Planning and Environment's Code of Practice in relation to communications and meetings with lobbyists has been complied with to the best of the Region's knowledge. The Northern Region has not met with any lobbyists in relation to this proposal, nor has the Northern Region been advised of any meeting between other Departmental Officers and lobbyists concerning the proposal.**

Have there been meetings or communications with registered lobbyists? :

No

If Yes, comment :

Supporting notes

Internal Supporting Notes : **Whilst the Planning Proposal does not address the reclassification of Lot 5 DP 609656 from Community to Operational, Council confirmed in its cover letter that it wishes to progress the reclassification of this lot with the Planning Proposal.**

The reclassification of this lot is required as Council's Plan of Management does not authorise the use of the land for access purposes. The proposed development for the site

Rezoning of Lot 10 DP748099, 10 Byron Bay Road, Bangalow from RE2 Private Recreation to SP3 Tourist and R2 Low Density Residential and reclassify Lot 5 DP 609656 from Community to Operational Land.

once rezoned will require operational access from Lot 5. Council has also advised that no interests will be changed.

The Planning Proposal was initially submitted to the Department on 4 September however it contained errors and discrepancies in land zoning, lot size, access and the classification of Lot 5 DP 609656 as well as potential noise and contamination issues. A letter was sent to Council on 12 September 2014 with a response being received on 20 November. Additional information was once again required in regards to the reclassification of the above lot and this was received on 4 and 11 December 2014.

External Supporting
Notes :

Adequacy Assessment

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

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

Comment : The objectives and intended outcomes of the Planning Proposal are adequately expressed for the proposed amendment to Byron LEP 2014.

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

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

Comment : The Planning Proposal provides a clear explanation of the intended provisions to achieve the objectives and intended outcomes.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

3.1 Residential Zones

* May need the Director General's agreement

5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

Is the Director General's agreement required? **Yes**

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

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

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 : Whilst the amended LEP Map sheets have not been prepared at this stage, the Planning Proposal includes a list of the LEP map sheets that will require amending. The Planning Proposal also includes an identification map of the subject land. The maps provided are adequate to enable consideration of a Gateway determination for this matter.

Mapping prepared in accordance with the Department's standard technical requirements for LEP maps is recommended for the public exhibition process.

Rezoning of Lot 10 DP748099, 10 Byron Bay Road, Bangalow from RE2 Private Recreation to SP3 Tourist and R2 Low Density Residential and reclassify Lot 5 DP 609656 from Community to Operational Land.

Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment : Council has proposed a 28 day exhibition period. Whilst the proposal is considered to be low impact, the proposed development will necessitate the reclassification of adjoining Lot 5 DP 609656 for access purposes to the subject site.

The reclassification does not form part of the Planning Proposal at this stage however discussions with Council have seen staff agree to the reclassification of this land (verbal consultation). This will require a public hearing which will be conducted separately. The notification period is considered adequate.

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 and accompanying documentation are considered to satisfy the adequacy criteria by:

1. Providing appropriate objectives and intended outcomes;
2. Providing a suitable explanation of the provisions proposed by the LEP to achieve the outcomes;
3. Providing an adequate justification for the proposal;
4. Outlining a proposed community consultation program; and
5. Providing a project time line.

Council is seeking an authorisation to exercise its plan making delegations. As the Planning Proposal deals with matters of only local significance, it is considered appropriate that an authorisation to exercise its plan making delegations be issued to Council.

The RPA has provided a project time line however due to the need for additional information, the timeline is now out of date and will need to be amended prior to exhibition. Amendments to the timeline will also need to be made to include a number of additional tasks required for the reclassification of land. Despite this, Council originally proposed a 9 month timeframe for completion of the Planning Proposal and this is considered adequate.

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 eastern portion of the subject land forms an "L" shaped lot, currently zoned RE2 and wraps around a residential block containing a dual occupancy. It is currently vacant however was formerly used as netball courts. It is proposed to rezone the northern part of this eastern portion (which fronts the existing tennis courts) from RE2 to SP3 and apply an FSR of 0.5 and an MLS of 2000m2. The purpose of this is to allow for a two story motel

Rezoning of Lot 10 DP748099, 10 Byron Bay Road, Bangalow from RE2 Private Recreation to SP3 Tourist and R2 Low Density Residential and reclassify Lot 5 DP 609656 from Community to Operational Land.

development to be considered by Council. The motel is proposed to be complementary in use to the nearby Bangalow Bowling Club.

The southern part of the eastern portion of the subject land (fronting Byron Bay Road) will be rezoned from RE2 to R2 Low Density Residential to allow Council to consider a town house development. A FSR of 0.5 will be applied to this portion of the lot and an MLS amended of 1000m2.

The reclassification of Lot 5 DP 609656 from Community to Operational land (no interests changed) is required so that vehicular access can be gained to the proposed development on Lot 10 DP 748099. The Planning Proposal will need to be amended prior to exhibition as it has not been prepared in accordance with Practice Note PN09-003 Classification and reclassification of public land through a local environmental plan.

The proposed development for the site will require Council to address issues such as light spill, noise impacts and stormwater and traffic management. Such issues can however be addressed at the DA stage and should not impede on the issuing of a Gateway determination by the Department.

Consistency with strategic planning framework :

The Planning Proposal is not considered to be inconsistent with the Byron Bay Community Strategic Plan 2022, the Bangalow Settlement Strategy 2003, the Byron Shire DCP 2010 as it relates to Bangalow nor the Far North Coast Regional Strategy.

SEPP's

The proposal is not inconsistent with any relevant State Environmental Planning Policy.

S117 Directions

The proposal to rezone and reclassify the subject lot is considered to be consistent with all relevant s117 Directions except in relation to:

3.1 Residential Zones.

This Direction applies as the Planning Proposal will affect land within an existing or proposed residential zone. Any inconsistency with this Direction is considered to be of minor significance as the planning proposal will contribute to housing choice within the locality, is consistent with residential development within the vicinity and is located within the Bangalow village boundary and therefore will not contribute to urban sprawl.

Environmental social economic impacts :

The planning proposal will not have any direct adverse impact on critical habitat or threatened species, populations or ecological communities, or their habitats. Similarly the planning proposal will not have any direct adverse effects on the natural built or socio-economic environment. The subject land has not been mapped as being either bushfire prone or subject to flooding.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	9 months	Delegation :	RPA
Public Authority Consultation - 56(2) (d) :			

Rezoning of Lot 10 DP748099, 10 Byron Bay Road, Bangalow from RE2 Private Recreation to SP3 Tourist and R2 Low Density Residential and reclassify Lot 5 DP 609656 from Community to Operational Land.

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

(2)(a) Should the matter proceed ? **No**

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

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
Revised Planning Proposal_V# 3_Oct 2014.pdf	Proposal	Yes
Council cover letter_25112014.pdf	Proposal Covering Letter	Yes
Attachment 4_completed (vA4257378).pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **3.1 Residential Zones
5.1 Implementation of Regional Strategies
6.1 Approval and Referral Requirements**

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

- 1. The Planning Proposal be supported;**
- 2. That the Planning Proposal be amended prior to exhibition:**
 - to include the reclassification of Lot 5 DP 609656 from community to operational;
 - so that the project time line addresses all the additional steps to be completed by Council due to an authorisation to exercise delegation being issued; and
 - so that mapping prepared in accordance with the Department's standard technical requirements for LEP maps is included;
- 3. The Planning Proposal be exhibited for 28 days;**
- 4. That a public hearing on the reclassification of the subject land in accordance with section 29 of the Local Government Act 1993 and section 57 of the Environmental Planning and Assessment Act 1979 be held after completion of the public exhibition period;**
- 5. The Planning Proposal be completed within 9 months; and**

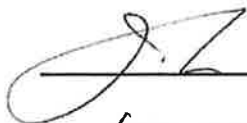
Rezoning of Lot 10 DP748099, 10 Byron Bay Road, Bangalow from RE2 Private Recreation to SP3 Tourist and R2 Low Density Residential and reclassify Lot 5 DP 609656 from Community to Operational Land.

6. That an authorisation to exercise delegation be issued to Council.

Supporting Reasons ;

The Planning Proposal will undertake rezoning and reclassification of land in the village of Bangalow. This will in turn allow Council to consider tourist related development and to provide a greater choice of housing type for the community. It is considered that the impacts of this Planning Proposal will be positive both for both Bangalow and the wider Byron community.

Signature:



Printed Name:

JIM CLARK

Date:

16 December 2014