

Planning Proposal

Sangsurya

Lot 1 DP 857013

95 Old Bangalow Road
Byron Bay

Prepared for:
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Project: 10.0163

Date: 6 December 2012



Executive Summary

This planning proposal is for land at 95 Old Bangalow Road, Byron Bay. Located on the land is Sangsurya. Sangsurya was established in 1997 in response to requests from local therapists who required a facility for residential retreats. The aim was to provide a secure drug and alcohol free environment for meditation, yoga and personal development, unaffected by the tourist-oriented climate of Byron Bay.

The existing buildings on the site are located on a broad but narrowing ridgeline that runs in a south westerly direction away from Old Bangalow Road towards the disused rail corridor. The land includes the vegetated valleys both west and south east of this broad ridge.

A recent development application sought consent for the continued operation of Sangsurya as a Health Farm. The development was established following the 1997 approval of a Rural Tourist Facility on the land. This development expanded without the consent of Council.

Council's position is that the proposed development of a Recreation Establishment (health farm) falls under the parent definition of Tourist Facility. This is due to the recent decision in the Land and Environment Court in *Rydge v Byron Shire Council* [2012] NSWLEC 155. Therefore Council's position is that the land needs to be rezoned to enable Council to consider a development application for the continuation of the current use.

It is proposed to rezone the footprint of the existing development generally described in the recent development application to *Zone No. 2(t) (Tourist Area Zone)* under the provisions of *Byron Local Environmental Plan 1988*. The remainder of the land would be placed within *Zone No. 7(b)-(Coastal Habitat Zone)*.

It is requested that Council request in the Gateway submission to the Department:

- a. a determination that no further studies are required prior to placing the Planning Proposal on public exhibition, and
- b. an exhibition period for the Planning Proposal of 28 days.

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- B State Environmental Planning Policy and Section 117 Direction Checklists



A Background

This planning proposal has been drafted in accordance with Section 55 of the Environmental Planning and Assessment Act, 1979 and the Department of Planning and Infrastructure's "A *guide to preparing planning proposals*" (October 2012). A gateway determination under Section 56 of the Act is requested.

B The Land

The land is described in real property terms as Lot 1 DP857013. Lot 1 has an area of 3.934 hectares (see [Appendix A](#)).

Lot 1 is located on the south-eastern side of Old Bangalow Road approximately 1.2 kilometres west of the intersection with Bangalow Road and about 800 metres east of the western intersection with Bangalow Road.

The allotment is bounded by Old Bangalow Road to the north-west and the disused North Coast railway corridor to the south-east. There are small rural allotments to the north-east and south-west.

Located on the land is Sangsurya. Sangsurya was established in 1997 in response to requests from local therapists who required a facility for residential retreats. The aim was to provide a secure drug and alcohol free environment for meditation, yoga and personal development, unaffected by the tourist-oriented climate of Byron Bay. Sangsurya does not provide any tourist accommodation.

Only three minutes drive to the centre of town, Sangsurya offers clients a secluded environment in which to relax with easy access to the cosmopolitan beach culture and award winning restaurants of Byron Bay.



Approximately 2.8 hectares of the property is preserved as native bushland with in excess of 5,000 native trees planted, 500 of which are rare and endangered species. The property has a myriad of bird life and walking trails.

Retreats are between four and twelve days. Subsidised places on courses are available for local residents. Participants usually remain on the premises for the duration of the course, although there are breaks during the day in some programs where people are free to visit Byron and surrounding areas. Off site activities include beach walks, bush walks, and bush regeneration classes.

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Sangsurya is fully booked for the next four years and holds some bookings to 2020.

The existing buildings on the site are located on a broad but narrowing ridgeline that runs in a south westerly direction away from Old Bangalow Road towards the disused rail corridor. The land includes the vegetated valleys both west and south east of this broad ridge.

Access to the land is provided via two access roads from Old Bangalow Road. These access roads are located 120 metres apart.

The land is essentially an irregular rectangular shape. The Old Bangalow Road boundary is the longest and stretches 325 metres. The main part of the lot has a depth of 100 to 130 metres.

A survey of the land has been provided at [Appendix A](#).

The land varies in elevation from a high of 45 metres AHD around the Manager's residence to a low of below 15 metres AHD in both the western and south eastern valleys.

Blackwood Ecological Services has identified four vegetation categories on the land in their report.

1. *Landscaped grounds with landscape plantings & scattered trees*
2. *Mid-high closed mixed rainforest plantings/regrowth with Blackbutt emergents*
3. *Tall closed sclerophyll forest (Coastal blackbutt/Grey ironbark/Brushbox with mixed species)*
4. *Mid-high mixed forest (Regrowth & planted Wattles/Cheese tree/Brushbox with mixed species)*

The soil is described as follows by Environmental & Earth Sciences NNSW in their soil contamination report number 506018 (dated May 2006) for the site:

The soils observed at the site are topographically related to and incorporate soils classified in the Soil Landscapes of the Lismore and Ballina 1: 100000 series sheet (Reference 2) as belonging to the Billinudgel Soil Landscape. A soil landscape is an area of land that has recognisable and specifiable topographies and soils. The landscape is described as comprising low rolling hills on the metamorphics of Nerangleigh-Fernvale group, with relief between 50-100 metres and slopes from 10-20% and locally >33%. Slopes are described as being generally moderately long (100-300 metres) with narrow ridges/crests (100-150 metres).

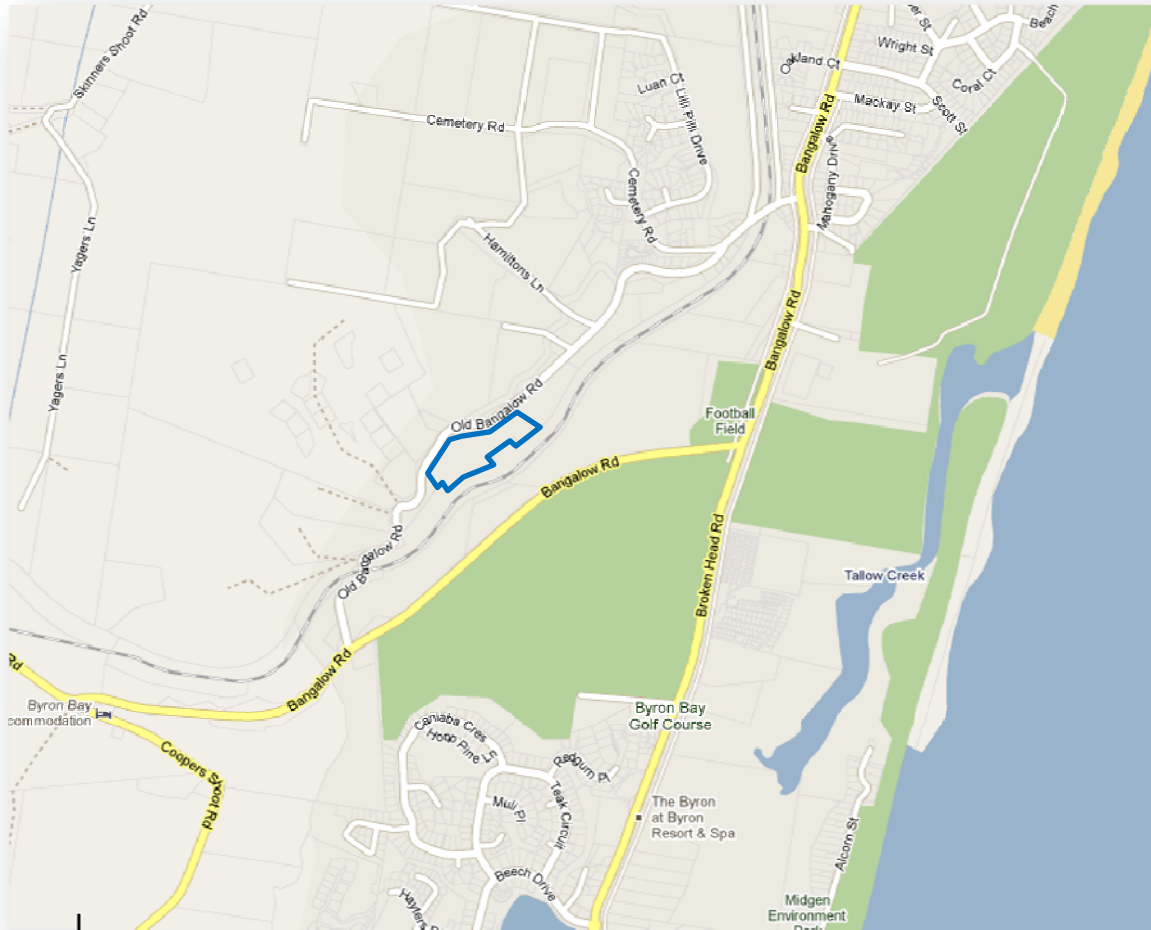
Soils at the site are described (Reference 2) as being shallow to moderately deep (100cm), moderately well drained yellow podzolic soils, yellow podzolic soils/so loth intergrades on crests and slopes. Deep moderately well drained yellow podzolic soils and red podzolic soil/red earths on siltstone.

Plan 1.1 is a site locality plan identifying the subject land (blue shading).

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Plan 1.2 is an aerial photo showing the feature of the land (orange border).

Plan A Site Locality Plan



Source: <http://maps.google.com.au/maps>

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Plan B Site – Aerial photo



Source: Department of Lands web maps: <https://six.lands.nsw.gov.au> (3 December 2010)

Views of the land



Views over the valley to the south east



Western car parking area

Views of the land



Main group workshop building



Western accommodation building

Objectives or Intended Outcomes

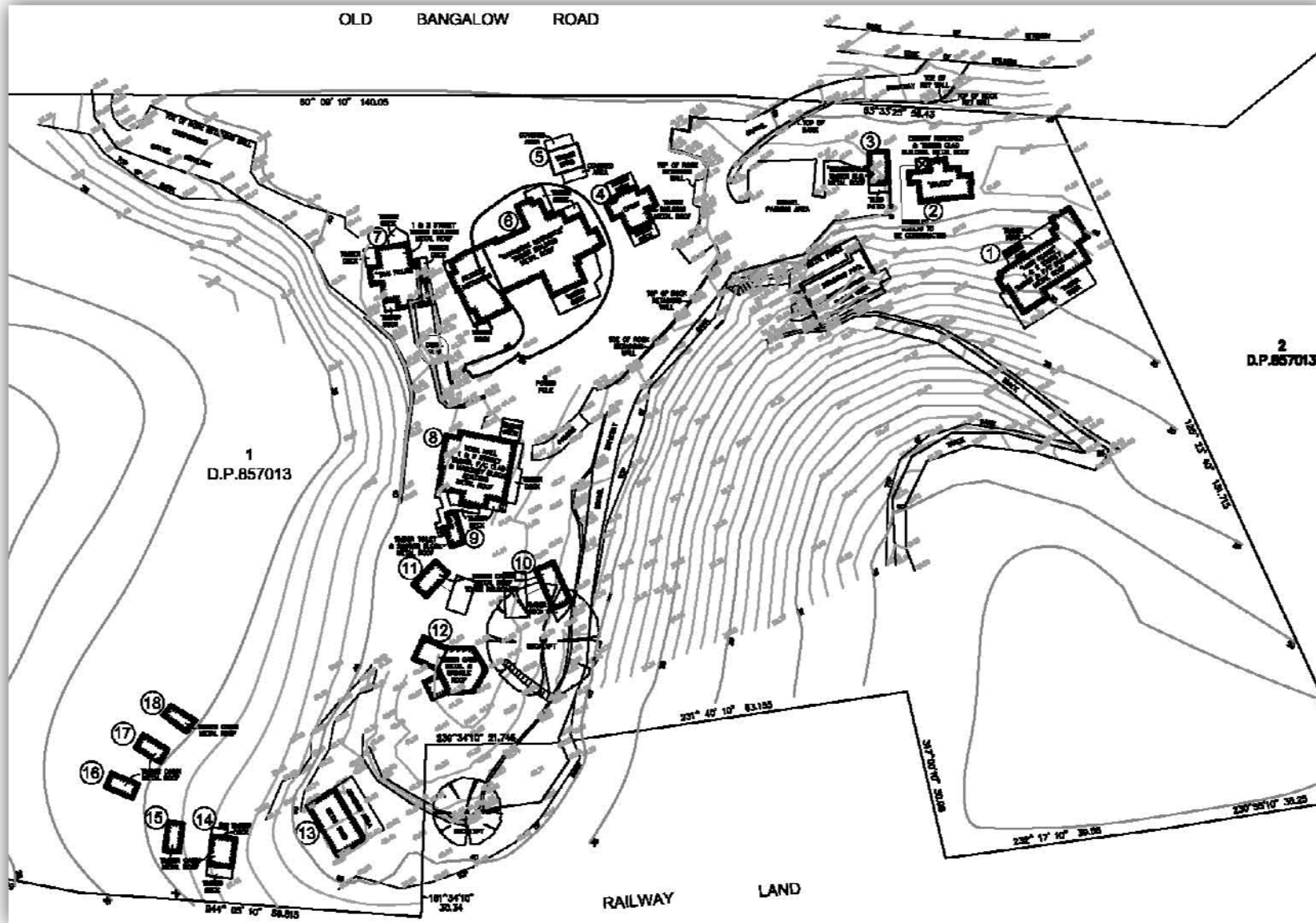
1.1 Objectives or Intended Outcomes

The objective of the Planning Proposal is to:

- 1) To rezone part of the land to *Zone No. 2(t)-(Tourist Area Zone)* to enable the continued operation of the health retreat facility on the land, and
- 2) To rezone the remainder of the land *Zone No. 7(b)-(Coastal Habitat Zone)* to conserve the coastal habitat on that part of the land.

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Plan 1.1 Existing Site Layout



Explanation of Provisions

2.1 Amendment of Byron LEP 1988

The objective of the proposal will be achieved by amending the Byron Local Environmental Plan 1988 to rezone the land to part *Zone No. 2(t)-(Tourist Area Zone)* and part *Zone No. 7(b)-(Coastal Habitat Zone)*.

This will be achieved by listing the additional amending map in the list of amending maps in the definition of "The Map" in the Dictionary at the end of Byron Local Environmental Plan 1988.

3.1 Justification

Within this Section justification is provided for the planning proposal in accordance with a standard set of specific questions set out in the Department of Planning and Infrastructure's "A guide to preparing planning proposals" (October 2012).

Section A - Need for the planning proposal.

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

No. Development Application No.10.2011.44.1 was lodged with Council on 15 February 2011. The application sought consent for the continued operation of Sangsurya as a Health Farm. The development was established following the 1997 approval of a Tourist Facility on the land. This development has expanded without the consent of Council.

Council's position is that the proposed development of a Recreation Establishment (health farm) falls under the parent definition of Tourist Facility. This is due to the recent decision in the Land and Environment Court in *Rydge v Byron Shire Council* [2012] NSWLEC 155. In *Rydge v Byron Shire Council* Lloyd AJ decided that the particular development he was asked to consider was a Tourist Facility as it included recreation as listed in the definition. Similarly Council considers that this development is a Tourist Facility due to the recreational component of the development. Therefore Council's position is that the land needs to be rezoned to enable Council to consider a development application for the continuance of the current use.

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

Yes. Rezoning of the land is required to permit the rapid resolution of the disputed permissibility of this land use.

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Section B - Relationship to strategic planning framework.

3 Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Far North Coast Regional Strategy

In the preamble to the plan it is stated:

Coastal towns such as Byron Bay, known as a national and international tourist destination, will have retained their village character while still providing a gateway to many regional assets and attractions.

Further in the section on Economic development and employment growth it is stated:

The opportunity exists for a widening of the tourism sector to promote both traditional tourism as well as products that provide experiences derived from the Region's natural, cultural and economic resources and attractions (ecotourism).

While tourism creates significant economic and employment benefits for the Region, its impacts need to be carefully managed. The Strategy aims to protect the Region's coastal and hinterland assets, which make it both a popular tourism destination and a desirable place to live. Future urban settlement patterns will be designed to retain their existing tourism appeal and reinforce regional character.

The *Far North Coast Regional Strategy* contains the following requirements:

Tourism

In planning for tourism needs, councils will have regard to the North Coast Regional Tourism Plan 2004–2007 (or latest version) and Northern Rivers Regional Tourism Plan 2003– 2006 (or latest version).

- *Local environmental plans will locate large scale tourism development in prime tourism development areas unless other proposed locations are consistent with an approved Local Growth Management Strategy.*
- *Local environmental plans will ensure that appropriate land is available to provide for a range of tourism experiences and forms of tourist accommodation, including ecotourism and the support of 'bed and breakfast' enterprises within residential and rural areas.*
- *Local environmental plans will permit no more than small scale tourism development in rural or environment protection zones.*
- *Local environmental plans will prevent permanent residential accommodation in tourism development, except where it is:*
 - *ancillary to existing tourism development, or*

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- *part of an area otherwise identified for urban expansion in an approved Local Growth Management Strategy.*

The planning proposal will widen the tourism sector in Byron Bay so as to permit the continuation of a business that has *experiences derived from the Region's natural, cultural and economic resources.*

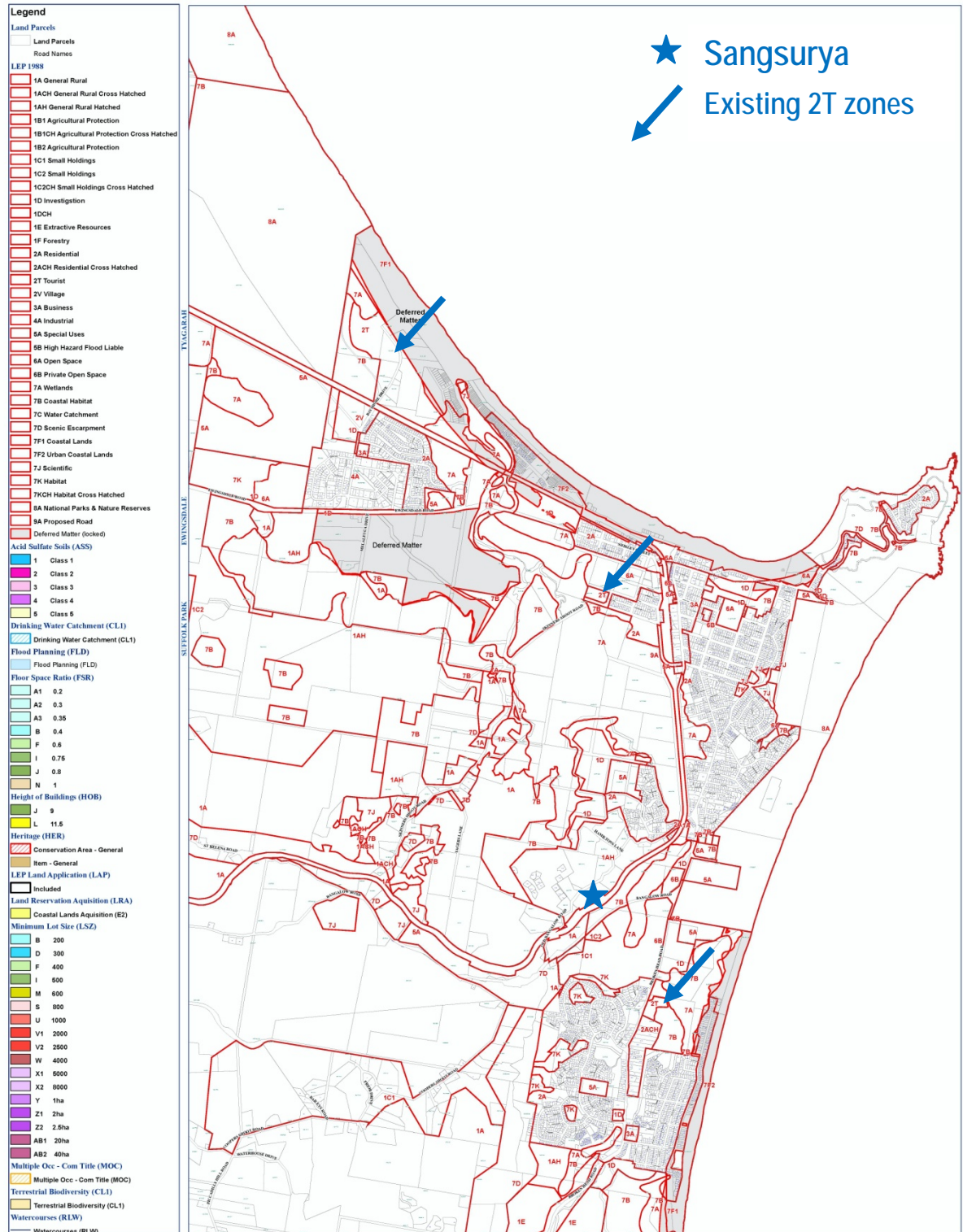
4 Is the planning proposal consistent with the local council's local strategy or other local strategic plan?

Traditionally areas within Zone No.2(t) have been applied on a case by case basis. **Plan 3.1** over the page shows the distribution of land within Zone No.2(t) within the Byron Bay area. The areas within Zone No.2(t) apply to specific developments, that is North Byron Beach Resort (old Club Med), Arts Factory and the Byron @ Byron Resort.

Sangsurya is located only 3.5 klms from the Byron Bay town centre. There is direct access to bus, rail and air transport. The land is the same distance from Byron Bay town centre as the large Byron @ Byron Resort and is one kilometre closer to the Byron Bay CBD than the North Byron Beach resort site.

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Plan 3.1 Location of 2T zones in Byron Bay



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

The proposal is consistent with applicable SEPPs. – refer to the checklist against these policies at **Appendix B**.

6 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The proposal is consistent with applicable Section 117 Directions except for Direction 1.2 Rural Zones– refer to the checklist against these Directions at **Appendix B**. The Direction 1.2 provides in part:

A planning proposal must:

(a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.

The inconsistency is justified in that:

- the land is not prime agricultural land,
- the land is only 3.5 klm from the Byron Bay town centre and is closer than some other designated tourist areas,
- the planning proposal is consistent with the current use of the site, and
- the area of land is of minor significance.

Section C - Environmental, social and economic impact.

7 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 the proposal?

Blackwood Ecological Services have carried out a series of extensive ecological assessments of the subject property since September 2007. A copy of their amended *Flora and Fauna Survey and Assessment* is included with the development application. Blackwood describes the vegetation on the site as follows:

Four vegetation types were identified on the Subject site: Landscaped grounds with scattered trees; Mid-high closed mixed rainforest plantings/regrowth; Tall closed sclerophyll forest (Coastal blackbutt/Grey ironbark/Brushbox with mixed species) and Mid-high mixed forest (Regrowth & planted Wattles/Cheese tree/Brushbox with mixed species). No Threatened (TSC Act 1995, EPBC Act) or ROTAP (Briggs & Leigh 1995) flora species were recorded during the site assessment. No Endangered Ecological Communities (TSC Act 1995, EPBC Act 1999) were recorded on the Subject site.

Blackwood describes the strategy for the site as follows:

Existing approvals on the site allow for extensive vegetation management and removal of trees to create an Inner Protection Area and Outer

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Protection Area that covers the entire north-western 2/3 or so of the property (see APPENDIX 1) (T. Kruger, pers comm. Oct 2007). The current Proposed development aims to achieve adequate Bushfire Protection with significantly less impact on site vegetation.

Blackwood summaries their findings, in part, as follows:

Three Threatened (TSC Act 1995) fauna species were recorded during the site assessment, the Common blossom bat, Eastern long-eared bat and the Little bentwing-bat. In addition, the Threatened (TSC Act 1995) Greater broad-nosed bat and Southern myotis were considered possible occurrences based on Anabat analysis.

The proposed development will involve the removal of a small proportion of the vegetation cover and the values of the site as a wildlife corridor are highly unlikely to be affected. The continued development of rainforest plantings on the site will, in the long term, improve the value of the site as a wildlife corridor for many species.

The Assessment of Significance for this study includes consideration of a number of Threatened species considered possible occurrences in the Study area. There will be a minor loss of habitat for many of these species. The proposed development is unlikely to result in a significant impact on any Threatened (TSC Act 1995) species, populations or ecological community. A Species Impact Statement is not required.

The proposed development is unlikely to have any significant impact on Matters of National Environmental Significance as described in the Commonwealth EPBC Act (1999).

Blackwood has prepared a *Vegetation Management Plan* for the site. This plan details a number of amelioration measures designed to retain ecological values of the site. Such management measures include an extensive program of weed control, the planting of 28 native trees and shrubs and the installation of 7 fauna nest-boxes.

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

In terms of the provisions of potential contaminated land a preliminary investigation of the possible soil contamination on the land was carried out by *Environmental & Earth Sciences NNSW* in May 2006 for a development application for a dual occupancy development on the land (DA10.2004.185.1). This preliminary assessment has previously been accepted by Council as fulfilling the requirements of SEPP55. *Environmental & Earth Sciences NNSW* summarised their findings in part as follows:

Environmental & Earth Sciences NNSW conclude that the site is suitable for dual occupancy and that further environmental investigation is not warranted. This conclusion is based on the following information:

- *the banana plantation was only situated on a minor portion of the site (southern boundary) and had minimal potential to grossly impact the site. Additionally, there is a significant buffer distance between the locations of the buildings/building envelope and the former plantation area;*

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- *the former shed was believed to be a general storage shed and has a minor potential to result in gross soil contamination;*
- *no phytotoxic effects of vegetation were observed indicating gross contamination; and*
- *no significant sources of contamination were identified during the historical investigation and site inspection.*

Wastewater consultants, Trine Solutions, have prepared a strategy to enhance the wastewater management of the development and to gain the necessary approvals for new systems and operation of existing systems. A copy of their *On-site Wastewater Management Report* is provided in the development application.

The principal component of the strategy is to convert all existing full flush water closets to waterless composting toilets. Additionally septic tanks and reed beds will be used to treat greywater before application to two land application areas. These land application areas are located to allow gravity flow from the fixtures they service.

Trine estimates that the replacement of full flush water closets with composting toilets will result in (based on current literature reviews) the following outcomes:

70% reduction in nitrogen

30% reduction in phosphorus

Tertiary treatment of all blackwater

9 How has the planning proposal adequately addressed any social and economic effects?

The benefit to the broader community resulting from this planning proposal relates to ongoing direct employment, business expansion for local service industries and the provision of important alternative health services. This development provides significant economic benefits to Byron Shire, a development that is in keeping with the values of residents of the Shire. This business provides some essential services for the community, personal development and health enhancement services that are essential in a modern western culture; all located in a calm location close to essential services.

The most recent development application lodged with Council for the continued operation of Sangsurya was publicly exhibited. Council did not receive any submissions in regard to the continued operation of Sangsurya.

The land is well located so as to make the best use of existing health and education facilities. Byron Bay town centre is only a 5 minute 3.5klm drive from the site. The social and economic impacts are generally positive.

The additional impact on public services is low. These impacts will be addressed by Council imposing developer contributions on the future development consent for the continued use.

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Section D - State and Commonwealth interests.

10 Is there adequate public infrastructure for the planning proposal?

The additional impact on public services is low. These impacts will be addressed by Council imposing developer contributions on the future development consent for the continued use.

A Traffic Impact assessment has been undertaken by Greg Alderson and Associates. A copy of their report has been provided to Council with the development application.

In regard to the traffic generation of the development and capacity of Old Bangalow Road Alderson concludes the following in his report:

The existing speed limit on Old Bangalow Road is 60km/h. However, the narrow carriageway and sharp curves would considerably reduce vehicle speed. MetroCount data provided to this office by Byron Shire Council indicate that the 85thile speed on this road is 48.6km/h.

...the level of service of the intersection does not degrade due to the generated traffic of the development. The control delay and the degree of saturation may both increase, but these increases are 3.3% for the control delay of Old Bangalow Road and 22.7% for the degree of saturation of Old Bangalow Road. These increases are not enough to change the level of service of the existing intersection.

Plans for the upgrade of the existing intersection into the land have been accepted by Council. The intersection will be upgraded in accordance with those plans as a requirement of the future development consent.

11 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

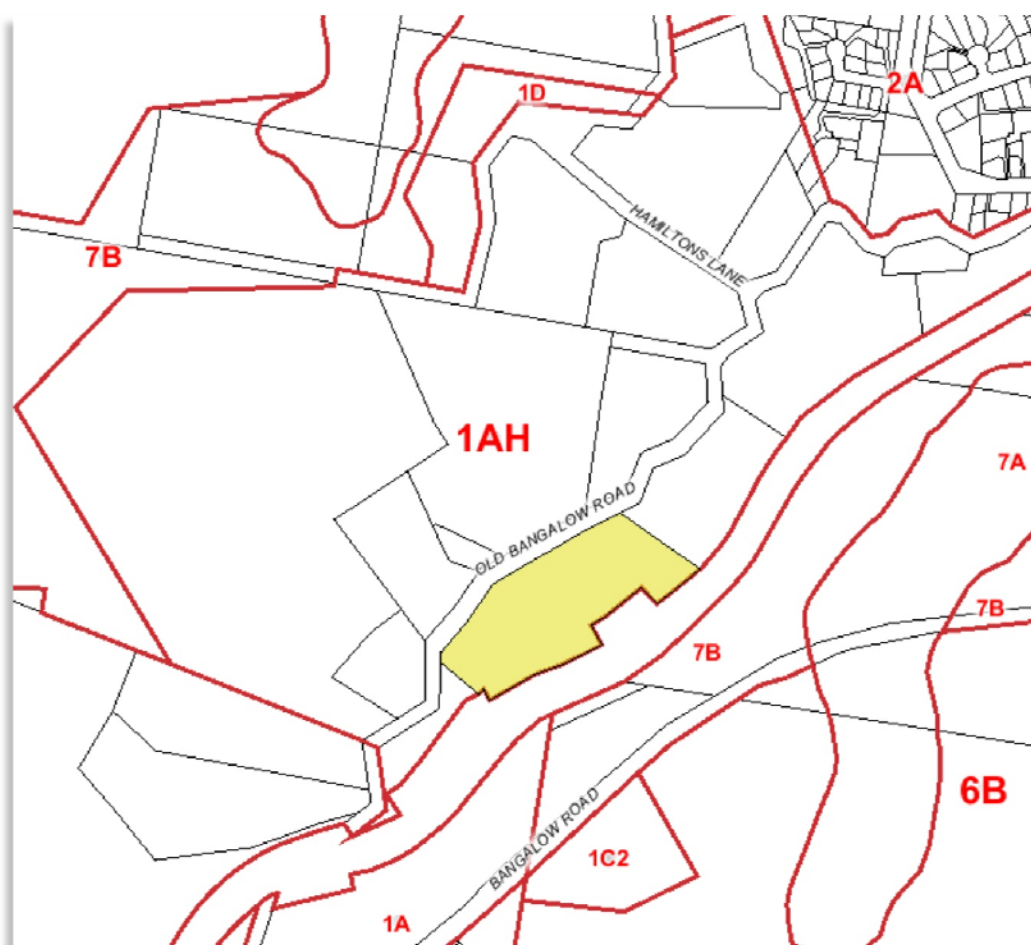
The Rural Fire Service has been consulted and has issued General Terms of Approval for a Bush Fire Safety Authority pursuant to Section 100B of the Rural Fires Act 1997.

The only other public authority that needs to be consulted is Transport for NSW as the owner of the adjoining disused railway line.

4.1 Current zoning

The land is currently within *Zone No 1 (a)—(General Rural Zone)* under the provisions of *Byron Local Environmental Plan 1988 (Byron LEP 88)*. The land is also cross hatched and as such Clause 38 of the *Byron LEP 88* applies. Clause 38 specifically requires Council to *assessment of the susceptibility of the land and the proposed development* to the bushfire hazard. An extract of the zoning map is provided in Plan 4.1 below. The subject land is indicated by the yellow shading.

Plan 4.1 Current Zoning Map



Source: Byron Shire Council 12 December 2010

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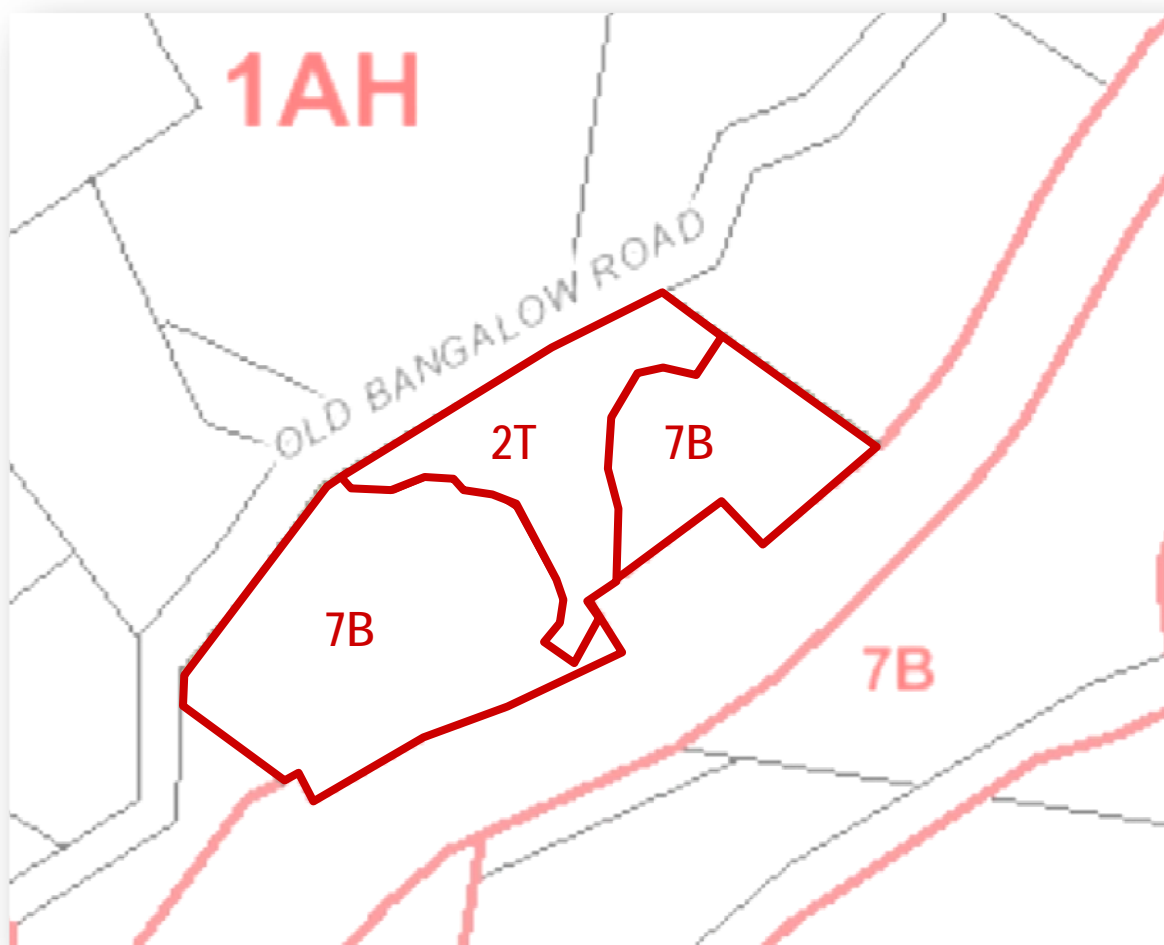
4.2 Proposed zoning

It is proposed to rezone the footprint of the existing development generally described in development application DA10.2011.44.1 to *Zone No. 2(t) (Tourist Area Zone)* under the provisions of *Byron Local Environmental Plan 1988*. The area within *Zone No. 2(t)* includes all existing buildings, access roads and parking areas except for four small cabins to the south west of the development area. These four cabins are to be removed or relocated into the area within *Zone No. 2(t)*. The building marked No 14 on the site plan ([Plan 1.1](#)) may be retained as a work shed to assist with the further revegetation of the land. [Plan 4.3](#) over the page shows the proposed *Zone No. 2(t)* in relation to a survey of the land.

The remainder of the land would be placed within *Zone No. 7(b)-(Coastal Habitat Zone)*. Some bush fire asset protection areas will extend into the area within *Zone No. 7(b)*. Bushfire hazard reduction is a permissible use in this zone.

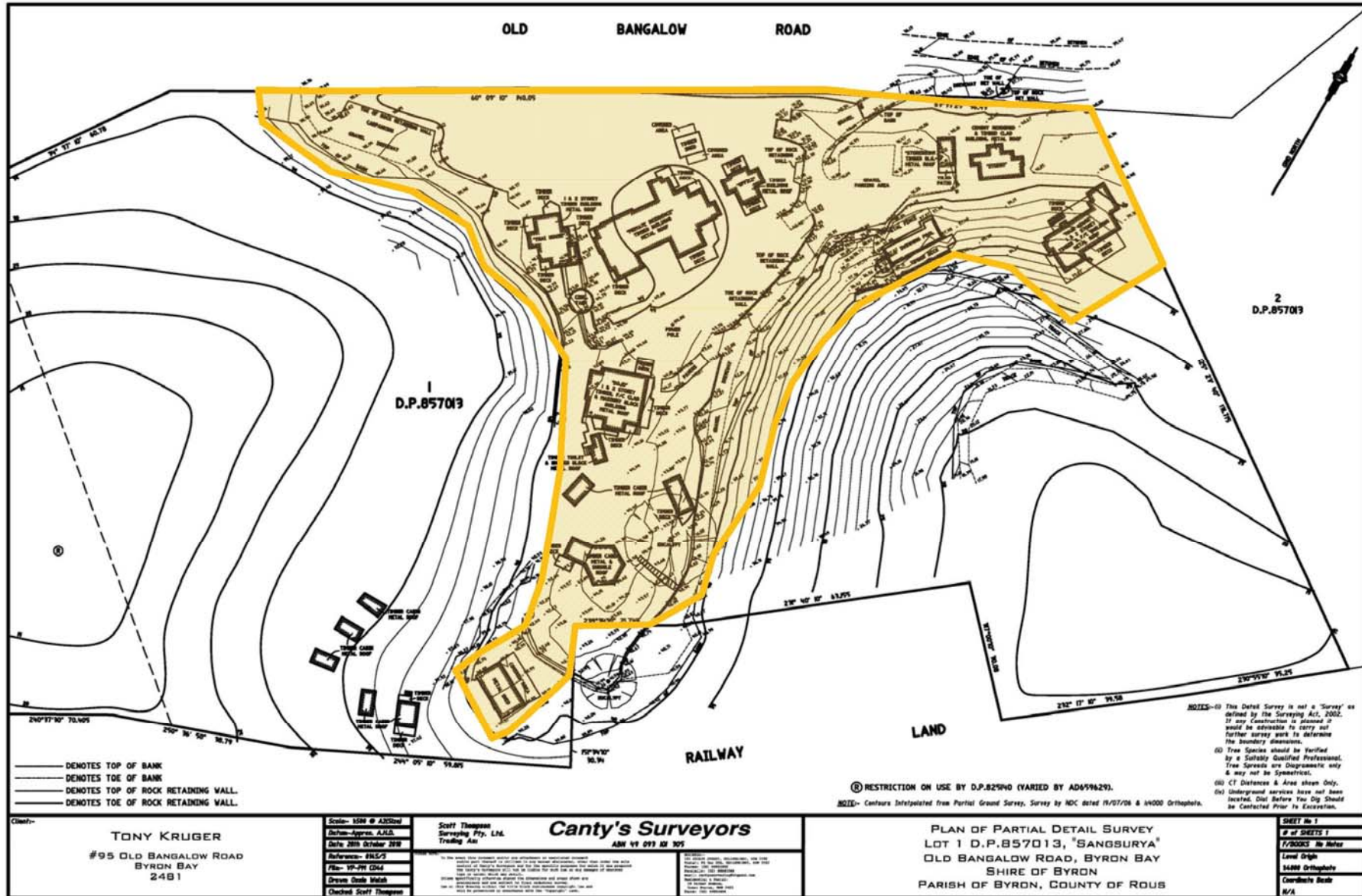
The proposed zoning plan is shown in [Plan 4.2](#) below. The darker lines show the proposed new zone boundaries.

Plan 4.2 Proposed Zoning Map



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Plan 4.3 Proposed Zone No. 2(t) on Survey Plan



Community Consultation

5.1 Community Consultation

The development application for the continuation of the current use on the land was publicly exhibited for 14 days. No public submissions were received.

It is intended that the planning proposal be advertised for 28 days in accordance with Section 4.5 of "A guide to preparing local environmental plans". The proposal is not a "low impact planning proposal" under the guide in that the proposed *Zone No. 2(t)* is not consistent with the surrounding land use zones. The community consultation would include writing to adjoining landowners.

A public hearing is not considered necessary.

There is sufficient information with the Planning Proposal to permit the public exhibition of the Planning Proposal. Much of the background data that informs the proposal is contained in the recent *development application* lodged with Council. No other detailed assessments are required.

Project Timeline

6.1 Project Timeline

- anticipated commencement date
1 February 2013
- anticipated timeframe for the completion of required technical information
Not applicable
- timeframe for government agency consultation
8 February 2013 to 15 March 2013
- commencement and completion dates for public exhibition period
14 February 2013 to 14 March 2013
- timeframe for consideration of submissions
29 March 2013
- timeframe for the consideration of a proposal post exhibition
25 April 2013
- date of submission to the department to finalise the LEP
Not applicable
- anticipated date RPA will make the plan (if delegated)
19 July 2013
- anticipated date RPA will forward to the department for notification.
26 July 2013

For further information, or clarification of any matter raised by this Planning Proposal, Council is requested to consult with Chris Pratt on 02 66859957.



Chris Pratt FPIA CPP
Land Use Planner



A

Deposited Plan and Survey of the Land

SIGNATURE AND SEALS ONLY.

Ch. H. M. [Signature]

Ann. Wink

[Seal]

[Signature]

[Signature]

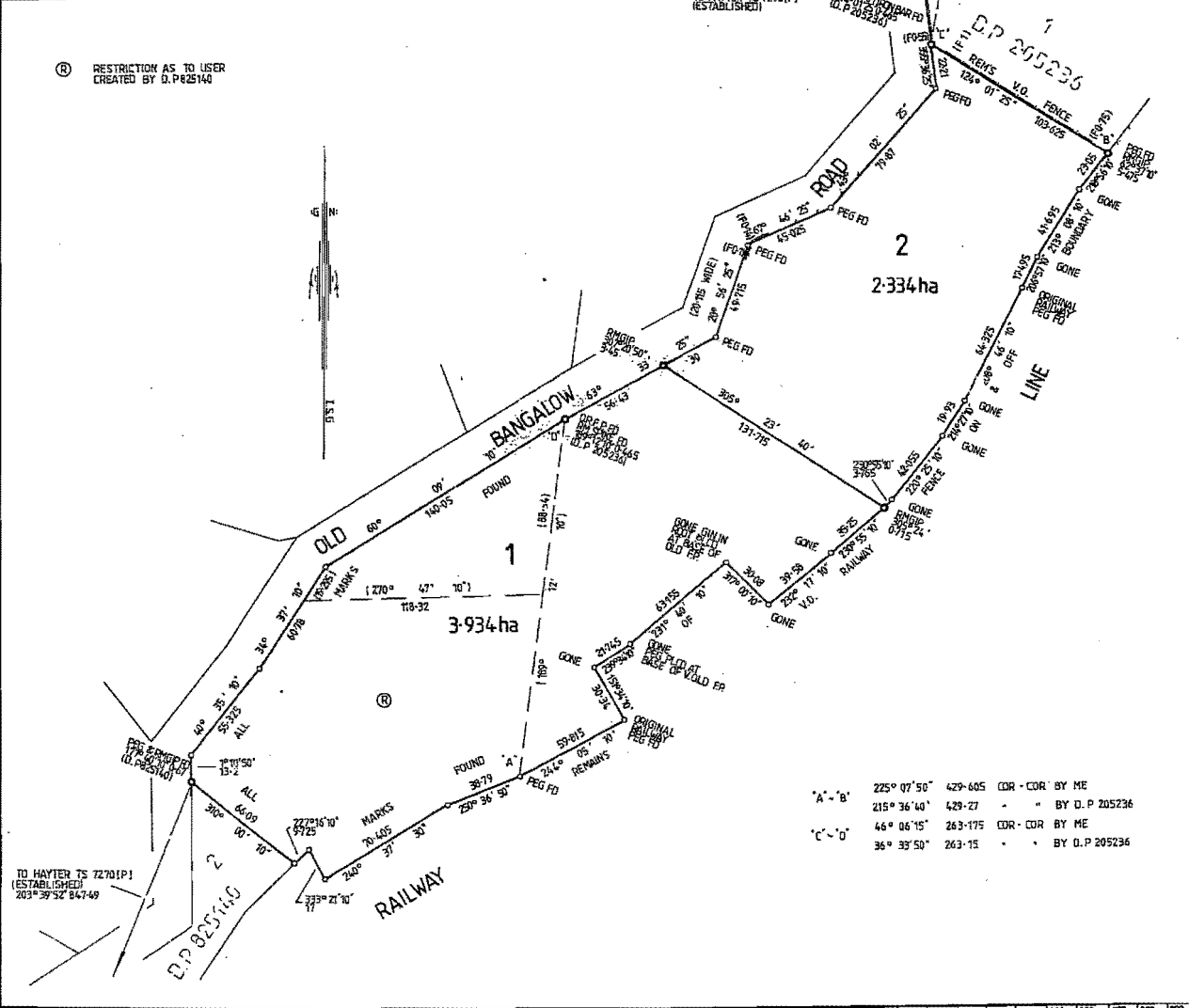
SURVEY PRACTICE REGULATION 1990, CLAUSE 32(2)

MARK	I S G CO ORDINATES ZONE 54Z		ACCURACY	ADJUSTMENT NP
	EASTING	NORTHING		
HAYTERS T270P1	350 492-944	1826 376-562	1	416.9
PM 61925	359 125-631	1827 721-604	2	5266
PM 61412	359 247-768	1827 653-935	2	5266

DATE OF S.C.I.M.S. SEARCH 18TH MAY 1995 LIC LISMORE
COMBINED SCALE FACTOR 0-999978

RESTRICTION AS TO USER CREATED BY D.P.825140

CONSENT OF STATE RAIL AUTHORITY OF NEW SOUTH WALES TO DEFINITION OF RAILWAY FURNISHED



Local Land Office Approval

PLAN APPROVED: _____

Land District: _____

Paper No.: _____

Field Book: _____

Council's Certificate

I hereby certify that -

(a) the requirements of the Local Government Act, 1915 insofar as they relate to the registration of plans, and

(b) the requirements of Part 3 Division 2 of the Water Board Act 1922, and Part 3 Division 2 of the Hunter Water Board (Constitution) Act 1981,

have been complied with by the applicant in relation to the proposed SUBDIVISION

(insert "new road", "subdivision" or "consolidated lot" set out herein)

Subdivision No. 95195

Date 1-9-95

(Signature) _____

Council File No. 1418-218-00-713002 95/165

*This part of certificate to be deleted where the application is only for a consolidated lot or the opening of a new road or where the land to be subdivided is wholly outside the area of jurisdiction of the Water Board and the Hunter Water Corporation Ltd.

1 Delete if inapplicable

DP 857013

Registered: 27-2-1996

CA: No. 90/97 of 1-9-1995

Title System: TORRENS

Purpose: SUBDIVISION

Ref. Map: PARISH

Last Plan: DP 5034 & DP 209236

PLAN OF SUBDIVISION OF LOT 2 D.P. 205236 & LOT 1 D.P. 825140

Lengths are in metres. Reduction Ratio 1:500

LGA: BYRON

Locality: BYRON BAY

Parish: BYRON

County: ROUS

This is sheet 1 of my plan in _____ sheets. (Delete if inapplicable).

I, SCOTT ANTHONY THOMPSON, of CANTY'S RD, BOX 157, BYRON BAY 2481, a surveyor registered under the Surveyors Act 1928, hereby certify that the survey represented in this plan is accurate, has been made in accordance with the Survey Practice Regulation 1990 and was completed on 16TH AUGUST 1995.

Signature: S. T. Thompson

Surveyor registered under Surveyors Act, 1928

Datum Line of Assheton "X-Y"

Plans used in preparation of survey/compilation D.P. 205236 D.P. 825140

PANEL FOR USE ONLY for statements of intention to dedicate public roads or to create public reserves, drainage reserves, easements, restrictions on the use of land or positive covenants.

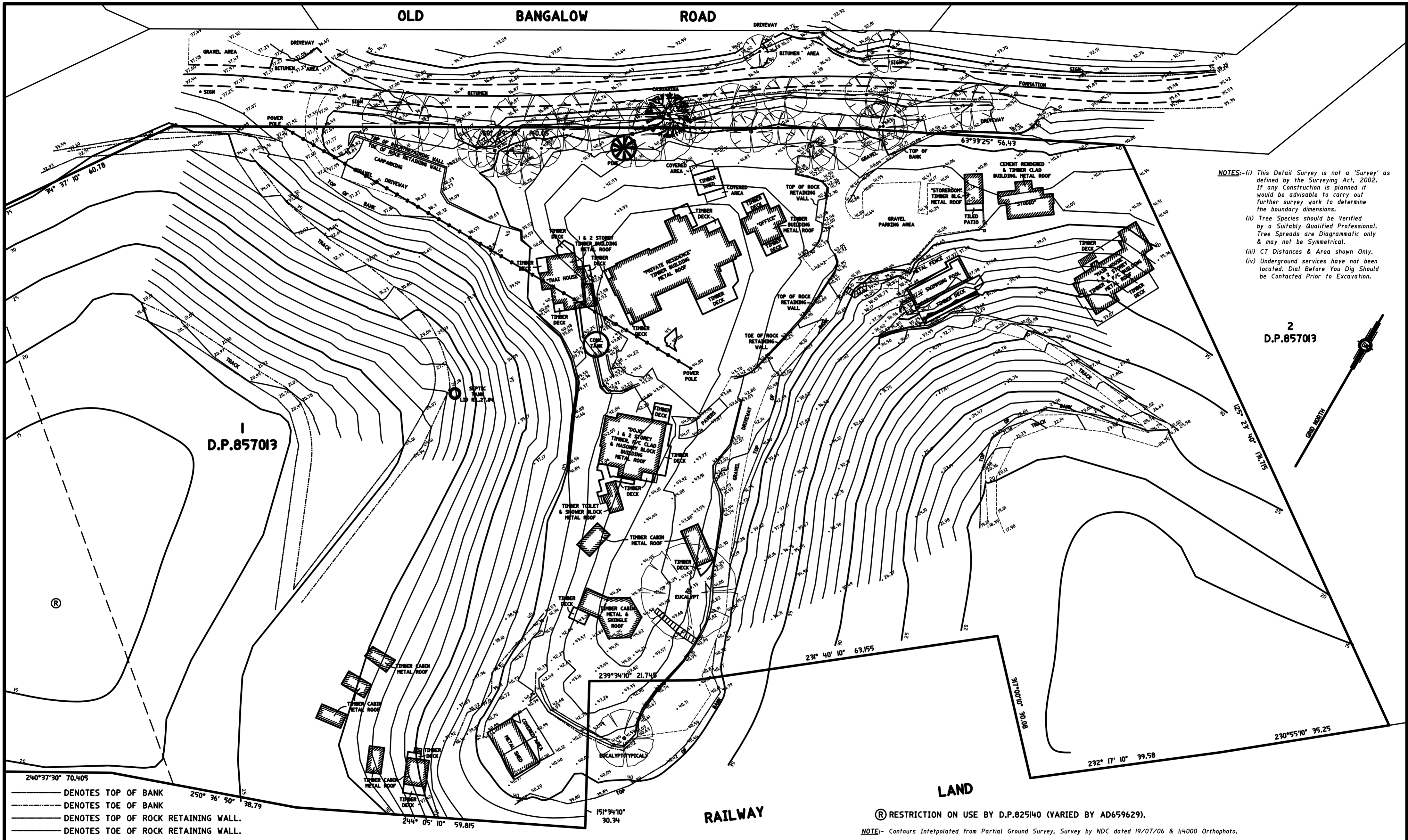
SURVEYOR'S REFERENCE: 7371

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

This negative is a photograph made as a permanent record of a document in the custody of the Registrar General this day. 1 March 1996

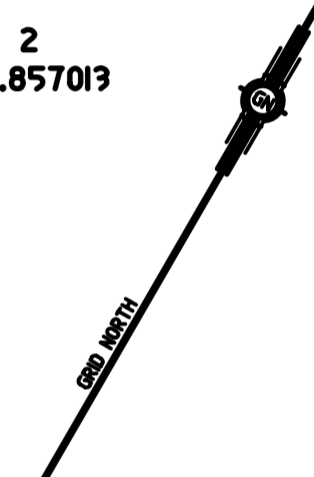
10 20 30 40 50 60 70 Table of mm 110 120 130 140





- NOTES:-**
- (i) This Detail Survey is not a 'Survey' as defined by the Surveying Act, 2002. If any Construction is planned it would be advisable to carry out further survey work to determine the boundary dimensions.
 - (ii) Tree Species should be Verified by a Suitably Qualified Professional. Tree Spreads are Diagrammatic only & may not be Symmetrical.
 - (iii) CT Distances & Area shown Only.
 - (iv) Underground services have not been located. Dial Before You Dig Should be Contacted Prior to Excavation.

2
D.P.857013



- 240°37'30" 70.405
- DENOTES TOP OF BANK
- DENOTES TOE OF BANK
- DENOTES TOP OF ROCK RETAINING WALL.
- DENOTES TOE OF ROCK RETAINING WALL.

Ⓜ RESTRICTION ON USE BY D.P.825140 (VARIED BY AD659629).

NOTE:- Contours Interpolated from Partial Ground Survey, Survey by NDC dated 19/07/06 & 1:4000 Orthophoto.

<p>Client:-</p> <p style="text-align: center;">TONY KRUGER</p> <p>#95 OLD BANGALOW ROAD BYRON BAY 2481</p>	<p>Scale:- 1:500 @ A2(Size)</p> <p>Datum:- Approx. A.H.D.</p> <p>Date:- 1st April 2011</p> <p>Reference:- 0145/6</p> <p>File:- VP-PM CD48</p> <p>Drawn:- Scott Thompson</p> <p>Checked:- Scott Thompson</p>	<p>Scott Thompson Surveying Pty. Ltd. Trading As:</p> <p style="font-size: 1.2em; font-weight: bold;">Canty's Surveyors</p> <p>ABN 49 093 101 305</p>	<p>PLAN OF PARTIAL DETAIL SURVEY LOT 1 D.P.857013, "SANGSURYA" OLD BANGALOW ROAD, BYRON BAY SHIRE OF BYRON PARISH OF BYRON, COUNTY OF ROUS</p>	<p>SHEET No 1</p> <p># of SHEETS 1</p> <p>F/BOOKS No Notes</p> <p>Level Origin</p> <p>1:4000 Orthophoto</p> <p>Coordinate Basis</p> <p>N/A</p>
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State Environmental Planning Policy and Sec 117 Direction Checklists

Table 1: Consideration of State Environmental Planning Policies

No.	SEPP Title	Applicable to Planning Proposal	Consistency
1	State Environmental Planning Policy – Development Standards	Not applicable.	Not applicable
4	State Environmental Planning Policy – Development without consent & Miscellaneous Exempt & Complying Development	Not applicable.	Not applicable
6	State Environmental Planning Policy – Number of Storeys in a Building	Not applicable	Not applicable
14	State Environmental Planning Policy – Coastal Wetlands	No coastal wetlands have been identified on the land	Not applicable
15	State Environmental Planning Policy – Rural Land sharing Communities	Not applicable	Not applicable
19	State Environmental Planning Policy – Bushland in Urban Areas	Not applicable	Not applicable
21	State Environmental Planning Policy – Caravan Parks	Not applicable	Not applicable
22	State Environmental Planning Policy – Shops & Commercial Premises	Not applicable	Not applicable
26	State Environmental Planning Policy – Littoral Rainforests	No littoral rainforest has been identified on the land	Not applicable
29	State Environmental Planning Policy – Western Sydney Recreation Area	Not applicable	Not applicable
30	State Environmental Planning Policy – Intensive Agriculture	Not applicable	Not applicable
32	State Environmental Planning Policy – Urban Consolidation (Redevelopment of Urban Land)	Not applicable	Not applicable
33	State Environmental Planning Policy – Hazardous & Offensive Industry	Not applicable	Not applicable
36	State Environmental Planning Policy – Manufactured Home Estate	Not applicable	Not applicable
39	State Environmental Planning Policy – Spit Island Bird Habitat	Not applicable	Not applicable
41	State Environmental Planning Policy – Casino Entertainment Complex	Not applicable	Not applicable
44	State Environmental Planning Policy – Koala Habitat Protection	The ecological assessment concluded that the land is not core Koala habitat. Therefore a Koala Plan of Management is not required.	Consistent
47	State Environmental Planning Policy – Moore Park Showground	Not applicable	Not applicable
50	State Environmental Planning Policy – Canal Estate Development	Not applicable	Not applicable
52	State Environmental Planning Policy – Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable	Not applicable
55	State Environmental Planning Policy – Remediation of Land	A SEPP 55 land contamination assessment concluded that further environmental investigation is not warranted.	Consistent
59	State Environmental Planning Policy – Central Western Sydney Regional Open Space and Residential	Not applicable	Not applicable
60	State Environmental Planning Policy – Exempt & Complying Development	Not applicable	Not applicable
62	State Environmental Planning Policy – Sustainable Aquaculture	Not applicable	Not applicable
64	State Environmental Planning Policy – Advertising & Signage	Not applicable	Not applicable
65	State Environmental Planning Policy – Design Quality of Residential Flat Development	Not applicable	Not applicable
70	State Environmental Planning Policy – Affordable Housing (Revised Schemes)	Not applicable	Not applicable
71	State Environmental Planning Policy – Coastal Protection	The land is partly within the NSW Coastal Zone	The planning proposal includes preserving significant coastal forests by placing those forests within Zone No. 7(b) (Coastal Habitat Zone).

Planning Resolutions

No.	SEPP Title	Applicable to Planning Proposal	Consistency
	State Environmental Planning Policy (Affordable Rental Housing) 2009	Not applicable	Not applicable
	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Not applicable	Not applicable
	State Environmental Planning Policy (Exempt & Complying Development Codes) 2008	Not applicable	Not applicable
	State Environmental Planning Policy (Housing for Seniors & People with a Disability) 2004	Not applicable	Not applicable
	State Environmental Planning Policy (Infrastructure) 2007	Adequate services are already connected to the land.	Consistent
	State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007	Not applicable	Not applicable
	State Environmental Planning Policy (Major Development) 2005	Not applicable	Not applicable
	State Environmental Planning Policy (Mining, Petroleum Production & Extractive Industries) 2007	Not applicable	Not applicable
	State Environmental Planning Policy (Penrith Lakes Scheme) 1989		
	State Environmental Planning Policy (Rural Lands) 2008	<p>The SEPP requires that before granting consent the consent authority must consider any impacts the development will have on other uses in the locality including development of residential land adjoining rural lands.</p> <p>When considering an application to which this clause of the SEPP applies the council should have regard to current and emerging trends in agriculture, including current trends to transition from extensive agriculture to intensive agriculture such as horticulture and intensive livestock in some locations.</p> <p>The land is located close to the urban area of Byron Bay in an area dominated by small rural holdings and forested land. The land is well removed from existing agricultural lands. The surrounding land is not suitable for horticulture and intensive livestock.</p>	Consistent
	State Environmental Planning Policy (SEPP 53 Transitional Provisions) 2011	Not applicable	Not applicable
	State Environmental Planning Policy (State and Regional Development) 2011	Not applicable	Not applicable
	State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	Not applicable	Not applicable
	State Environmental Planning Policy (Sydney Region Growth Centres) 2006	Not applicable	Not applicable
	State Environmental Planning Policy (Temporary Structures) 2007	Not applicable	Not applicable
	State Environmental Planning Policy (Urban Renewal) 2010	Not applicable	Not applicable
	State Environmental Planning Policy (Western Sydney Employment Area) 2009	Not applicable	Not applicable
	State Environmental Planning Policy (Western Sydney Parklands) 2009	Not applicable	Not applicable

Planning Resolutions

Table 2: Consideration of North Coast Regional Environmental Plan (Deemed SEPP)

North Coast Regional Environmental Plan (Deemed SEPP)	Consistent	Comment
Part 2 Rural Development		
Agricultural Resources		
Prime Crop or Pasture Land	Not applicable	Not applicable
Minimum lot size	Not applicable	Not applicable
Concessional lots	Not applicable	Not applicable
Cluster farming	Not applicable	Not applicable
Intensive animal industries	Not applicable	Not applicable
Catchment Management		
Wetlands or fishery habitats	Yes	The land does not contain any land containing rivers, streams, wetlands or fishery habitats.
Geological Resources		
Extractive materials	Yes	There are no major deposits of extractive materials on the land or nearby.
Rural Housing		
Rural Land Release Strategy	Not applicable	Not applicable
Dwellings on rural land	Not applicable	Not applicable
Dual occupancy	Not applicable.	Not applicable
Forestry		
State forests	Not applicable	Not applicable
Areas other than State Forests	Not applicable	Not applicable
Timber processing plants	Yes	The planning proposal does not rezone land adjoining or adjacent to timber processing plants.

Planning Resolutions

North Coast Regional Environmental Plan (Deemed SEPP)	Consistent	Comment
Part 3 Conservation and the Environment		
The Natural Environment		
Natural areas and water catchments	Yes	The tree clearing provisions of the <i>Byron LEP 1988</i> will not be altered by the planning proposal. Important natural areas on the land will be protected in a conservation zoning.
Coastal Development		
Coastal hazard areas	Not applicable	Not applicable
Coastal foreshore areas	Not applicable	Not applicable
Coastal lands	Not applicable	Not applicable
Part 4 Urban Development		
Strategic Planning		
Urban Land Release Strategy	Yes	The planning proposal does not propose significant urban growth. It is a minor area urban land zoning to recognise an existing use.
Retail, commercial or business activities	Yes	The planning proposal does not propose significant retail, commercial or business development.
Principles for urban zones	Yes	The planning proposal proposes a zoning regime which is simple and relatively flexible.
Urban Housing		
Principles for housing	Yes	The planning proposal is for tourism development rather than housing.
Environmental hazards		
Hazards	Yes	The land is subject to bush fire hazards. The Rural Fire Service has issued General Terms of Approval for a Bush Fire Safety Authority pursuant to Section 100B of the Rural Fires Act 1997.
Flood liable land	Not applicable	Not applicable.
Commercial and Industrial development		
Principles for commercial and industrial development	Not applicable	Not applicable
Maintenance of industrial development zonings	Not applicable	Not applicable
Tall Buildings		
Height Controls	Yes	The <i>Byron LEP 1988</i> contains local provisions regulating the heights of buildings.

Planning Resolutions

North Coast Regional Environmental Plan (Deemed SEPP)	Consistent	Comment
Part 5 Regional Infrastructure		
Transport		
Primary arterial roads	Not applicable	Not applicable
Secondary arterial roads	Not applicable	Not applicable
Existing controls for main or arterial roads	Not applicable	Not applicable
Development of new airports	Not Applicable	Not applicable
Land in the vicinity of aerodromes	Not applicable	Not applicable
Bus services	Yes	On demand bus services regularly service the site.
Utility services		
Servicing urban areas	Yes	The land is serviced by an existing reticulated water supply, mains electricity, telephone services and weekly garbage service. Waste water is treated and disposed of on site. All existing on site toilets will be converted to composting toilet systems.
Health and Education		
Health and education facilities	Yes	The land is well located to make the best use of existing health and education facilities. Byron Bay town centre is only a 5 minute 3.5klm drive from the site.
Community use of schools and other facilities	Not applicable	Not applicable
Community Services		
Provision of community, welfare and child care services	Yes	The development of the land will have minimal demand on community and welfare services. The development of the land provides local and national welfare services.
Part 6 Tourism and Recreation		
Tourism		
Environmental features and hazards	Yes	The environmental features of the land will be preserved in an appropriate environmental protection zone. The layout of the existing buildings along the broad ridge will allow preservation of environmental features.
Principles for location of tourism development	Yes	The natural features and ecosystems of the land will be preserved in an appropriate environmental protection zone. The tourism development is located in a semi rural area and as such the scale of the development is low key.
Provision of services to tourism development	Yes	Given the land is located only 3.5 klms from the Byron Bay town centre there is direct access to bus and air transport. The land is the same distance from Byron Bay town centre as the large Byron @ Byron Resort and is one kilometre closer than the North Byron Beach resort site. While mains sewerage services are not connected to the land, wastewater is adequately treated and disposed of on site. All existing on site toilets will be converted to composting toilet systems.

Planning Resolutions

North Coast Regional Environmental Plan (Deemed SEPP)	Consistent	Comment
Large scale resort development	Yes	The planning proposal does not zone land specifically to allow large scale resort development.
Residential development and tourism	Yes	The planning proposal does not contain provisions to permit permanent residential accommodation in tourist developments.
Tourism development on farms	Yes	The planning proposal does not contain provisions to permit farm stay accommodation in rural zones.
Recreation		
Public recreation areas	Yes	The land is close to Byron Bay which is well serviced with recreation areas.
Recreation vehicle areas	Yes	The planning proposal does not contain uses relating to recreation vehicle areas.
Existing zones for public open space	Yes	No existing open spaces zones are affected.

Table 3: Consideration of Ministerial Directions under Section 117

No.	Title	Applicable	Consistency
1. Employment and Resources (effective 1 July 2009)			
1.1	<p><i>Business and Industrial Zones</i></p> <p>A planning proposal must:</p> <ul style="list-style-type: none"> • give effect to the objectives of this direction • retain the areas and locations of existing business and industrial zones • not reduce the total potential floor space area for employment uses and related public services in business zones • not reduce the total potential floor space area for industrial uses in industrial zones, and • ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning. 	No	Not applicable
1.2	<p><i>Rural Zones</i></p> <p>A planning proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</p>	Yes	<p>No - The proposal is inconsistent with the Direction. However the inconsistency is justified in that:</p> <ul style="list-style-type: none"> • the land is not prime agricultural land, • the land is only 3.5 klm from the Byron Bay town centre and is closer than some other designated tourist areas, • the planning proposal is consistent with the current use of the site, and • the area of land is of minor significance.
1.3	<p><i>Mining Petroleum Production and Extractive Industries</i></p> <p>This direction applies when a relevant planning authority prepares a planning proposal that would have the effect of:</p> <ul style="list-style-type: none"> • prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or • 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 incompatible with such development. 	Yes	Yes - Consultation with DPI (Mineral Resources) will occur at Sect 62 stage.
1.4	<p><i>Oyster Aquaculture</i></p> <p>This direction 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"> • adverse impacts on a Priority Oyster Aquaculture Area or a "current oyster aquaculture lease in the national parks estate"; or • 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. 	Yes	Yes - The land is remote from any oyster growing area
1.5	<p><i>Rural Lands</i></p> <p>This direction applies when:</p> <ul style="list-style-type: none"> • 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 environment protection zone boundary) or • a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone. 	Yes	Yes - The planning proposal is consistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008. See Table 1 above.
2. Environment and Heritage (effective 1 July 2009)			
2.1	<p><i>Environment Protection Zones</i></p> <ul style="list-style-type: none"> • A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. 	Yes	Yes – the planning proposal facilitates the protection and conservation of environmentally

Planning Resolutions

No.	Title	Applicable	Consistency
	<ul style="list-style-type: none"> A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "Rural Lands". 		sensitive areas. Sensitive areas are to be included in an environmental protection zone.
2.2	<p><i>Coastal Protection</i></p> <p>A planning proposal must include provisions that give effect to and are consistent with:</p> <ul style="list-style-type: none"> the NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997, and the Coastal Design Guidelines 2003, and the manual relating to the management of the coastline for the purposes of section 733 of the Local Government Act 1993 (the NSW Coastline Management Manual 1990). 	Yes	Yes - The land is only partly in the coastal zone. The planning proposal includes preserving significant coastal forests by placing those forests within Zone No. 7(b) (Coastal Habitat Zone).
2.3	<p><i>Heritage Conservation</i></p> <p>A planning proposal must contain provisions that facilitate the conservation of:</p> <ul style="list-style-type: none"> items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, 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, Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and 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. 	Yes	Yes – No known items of Aboriginal or European Heritage have been identified. The tourism zone will only apply to existing developed parts of the site.
2.4	<p><i>Recreation Vehicle Areas</i></p> <p>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):</p> <ul style="list-style-type: none"> where the land is within an environmental protection zone, where the land comprises a beach or a dune adjacent to or adjoining a beach, where the land is not within an area or zone referred to in paragraphs (4)(a) or (4)(b) unless the relevant planning authority has taken into consideration: <p>(i) the provisions of the guidelines entitled Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September, 1985, and</p> <p>(ii) the provisions of the guidelines entitled Recreation Vehicles Act, 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985.</p>	No	Not applicable
3. Housing Infrastructure and Urban Development (effective 1 July 2009 - Except for new Direction 3.6 –effective 16 February 2011)			
3.1	<p><i>Residential Zones</i></p> <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"> an existing or proposed residential zone (including the alteration of any existing residential zone boundary) any other zone in which significant residential development is permitted or proposed to be permitted. 	No	Not applicable
3.2	<p><i>Caravan Parks and Manufactured Home Estates</i></p> <p>This direction applies when a relevant planning authority prepares a planning proposal.</p> <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"> retain provisions that permit development for the purposes of a caravan park to be carried out on land, and 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) Order 2006 that would facilitate the retention of the existing caravan park. 	Yes	No – Caravan parks are not a permitted use in the proposed Zone No. 2(t). However the land is not suitable for the development of a caravan park.

Planning Resolutions

No.	Title	Applicable	Consistency
3.3	<p><i>Home Occupations</i></p> <p>This direction applies when a relevant planning authority prepares a planning proposal. Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.</p>	Yes	Yes - The Planning proposal does not change the existing provisions for home occupations.
3.4	<p><i>Integrating Land Use and Transport</i></p> <p>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.</p> <p>A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <ul style="list-style-type: none"> • Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and • The Right Place for Business and Services – Planning Policy (DUAP 2001). 	Yes	<p>Yes – The land is serviced regularly by on demand bus services. The town bus service could be accessed via a 1.2 klm 15 minute walk.</p> <p>Old Bangalow Road is a very low speed vehicle environment and is a popular local cycle route.</p>
3.5	<p><i>Development Near Licensed Aerodromes</i></p> <p>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 in the vicinity of a licensed aerodrome.</p>	No	Not applicable
3.6	<p><i>Shooting Ranges</i></p> <p>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.</p>	No	Not applicable
4. Hazard and Risk (effective 1 July 2009)			
4.1	<p><i>Acid Sulfate Soils</i></p> <p>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.</p>	No	Not applicable
4.2	<p><i>Mine Subsidence and Unstable Land</i></p> <p>This direction applies when a relevant planning authority prepares a planning proposal that permits development on land that:</p> <ul style="list-style-type: none"> • is within a mine subsidence district, or • has been identified as unstable in a study, strategy or other assessment undertaken 	No	Not applicable
4.3	<p><i>Flood Prone Land</i></p> <p>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.</p> <p>A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).</p> <p>A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.</p>	No	Not flood prone land.
4.4	<p><i>Planning for Bushfire Protection</i></p> <p>This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.</p> <p>In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made.</p>	Yes	Yes - The land is subject to bush fire hazards. The Rural Fire Service has issued General Terms of Approval for a Bush Fire Safety Authority pursuant to Section 100B of the Rural Fires Act 1997.
5. Regional Planning (effective 1 July 2009 - Except for new Direction 5.4 effective 29 November 2009 & Direction 5.2 effective 3 March 2011)			
5.1	<p><i>Implementation of Regional Strategies</i></p> <p>This direction applies to land to the <i>Mid North Coast Regional Strategy</i>.</p>	Yes	Yes - The Planning Proposal is consistent with the <i>Far North Coast Regional Strategy</i> .

Planning Resolutions

No.	Title	Applicable	Consistency
5.2	<p><i>Sydney Drinking Water Catchments</i> This Direction applies to the Sydney drinking water catchment.</p>	No	Not applicable
5.3	<p><i>Farmland of State and Regional Significance on the NSW Far North Coast</i> This direction applies to Byron Shire Council</p>	No	The land is not mapped as regionally significant farmland.
5.4	<p><i>Commercial and Retail Development along the Pacific Highway, North Coast</i> This Direction applies to those council areas on the North Coast that the Pacific Highway traverses, being those council areas between Port Stephens Shire Council and Tweed Shire Council, inclusive</p>	No	Not applicable
5.5	<p><i>Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)</i> (Revoked 18 June 2010)</p>	No	Not applicable
5.6	<p><i>Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)</i></p>	No	Not applicable
5.7	<p><i>Central Coast (Revoked 10 July 2008. See amended Direction 5.1)</i></p>	No	Not applicable
5.8	<p><i>Second Sydney Airport: Badgerys Creek</i> This direction applies to land shown within the boundaries of the proposed airport site and within the 20 ANEF contour as shown on the map entitled "Badgerys Creek–Australian Noise Exposure Forecast–Proposed Alignment–Worst Case Assumptions", this being found in Appendix U of the Second Sydney Airport Site Selection Program Draft Environmental Impact Statement within Fairfield City Council, Liverpool City Council, Penrith City Council and Wollondilly Shire Council local government areas.</p>	No	Not applicable
6. Local Plan Making (effective 1 July 2009)			
6.1	<p><i>Approval and Referral Requirements</i> This direction applies when a relevant planning authority prepares a planning proposal. A planning proposal must:</p> <ul style="list-style-type: none"> • minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and • not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of that Authority. 	Yes	Yes - No concurrence provisions are proposed.
6.2	<p><i>Reserving Land for Public Purposes</i> This direction applies when a relevant planning authority prepares a planning proposal. 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 (or an officer of the Department nominated by the Director-General).</p>	No	Not applicable
6.3	<p><i>Site Specific Provisions</i> This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out. 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"> • allow that land use to be carried out in the zone the land is situated on, or 	No	Not applicable

Planning Resolutions

No.	Title	Applicable	Consistency
	<ul style="list-style-type: none"> • 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 • 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>		
7. Metropolitan Planning (effective 1 February 2010)			
7.1	<i>Implementation of the Metropolitan Plan for Sydney 2036</i>	No	Not applicable