



Planning Proposal – Byron Local Environmental Plan 2014

»» *Environmental Zone Implementation Program – Stage 1*



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1. Introduction and Background

1.1 Summary of Planning Proposal

This planning proposal seeks to integrate land identified as “deferred matters” into Byron Local Environmental Plan (LEP) 2014, and includes the application of environmental zones to certain “non-Deferred Matter” areas already included in LEP 2014. Appropriate zones are proposed having regard for legislative requirements, the NSW Department of Planning and Environment’s Northern Councils E Zone Review Final Recommendations Report (2015), the associated s.117 Ministerial Direction 2.5 and Councils resolutions of 17 November 2016 and 22 March 2018.

This planning proposal is Stage 1 of a staged program to integrate the majority of deferred matters into the Byron LEP 2014, with exception of Coastal 7(f1) and 7(f2) zones which will be considered under a separate process in consultation with the State Government. Stage 1 reflects early agreements reached between landowners and Council staff on how environmental zones and non-environmental zones will be applied to certain land in Byron Shire.

1.2 Project Background

Byron Shire Council engaged in the preparation of a comprehensive local environmental plan (LEP) under the State Government’s Standard LEP Instrument program between 2006 and 2014. This planning process was underpinned by a comprehensive and sustained community engagement program and considerable and careful deliberation by the elected Council and staff over a prolonged period.

Council received authorisation to exhibit a new draft Plan in August 2012. Prior to Council’s draft plan being exhibited, the then Minister for Planning, the Hon. Brad Hazzard made a decision to initiate a review of environmental protection zones in five local government areas on the Far North Coast. This included Byron Shire.

The consequence of the Minister’s decision was that Council’s Byron LEP 2014 was only partly made, with areas identified as having environmental values excluded from the plan. These ‘deferred matter’ areas remain subject to the provisions of the Byron LEP 1988 (being the instrument the new plan was to replace).

The Department indicated that the “E zone review” would be completed by March 2013, however it was not able to meet this timeframe. In October 2015, some three years after the Minister’s announcement and two and a half years late, the Department published its final recommendations report for the Northern Councils E Zone Review. The review recommendations do not align with Council’s endorsed draft LEP from 2012 or with almost 30 years of environmental protection zoning history and identified environmental attributes and values in the Byron Shire local government area.

Notwithstanding the above, Council has resolved to proceed with a ‘staged’ program to amend Byron LEP 2014 in order to implement the Department’s ‘Northern Councils E Zone Review Final Recommendations Report’.

1.3 Land to Which the Planning Proposal Applies

This planning proposal (Stage 1 of Council's E zone implementation program) relates to land where early agreement has been confirmed between landowners and Council staff on how environmental and non-environmental zones are to be applied. This includes both 'Deferred Matter' and 'Non-Deferred Matter' areas identified in Byron LEP 2014.

The subject lands are located throughout the shire as depicted in Figure 1 below).

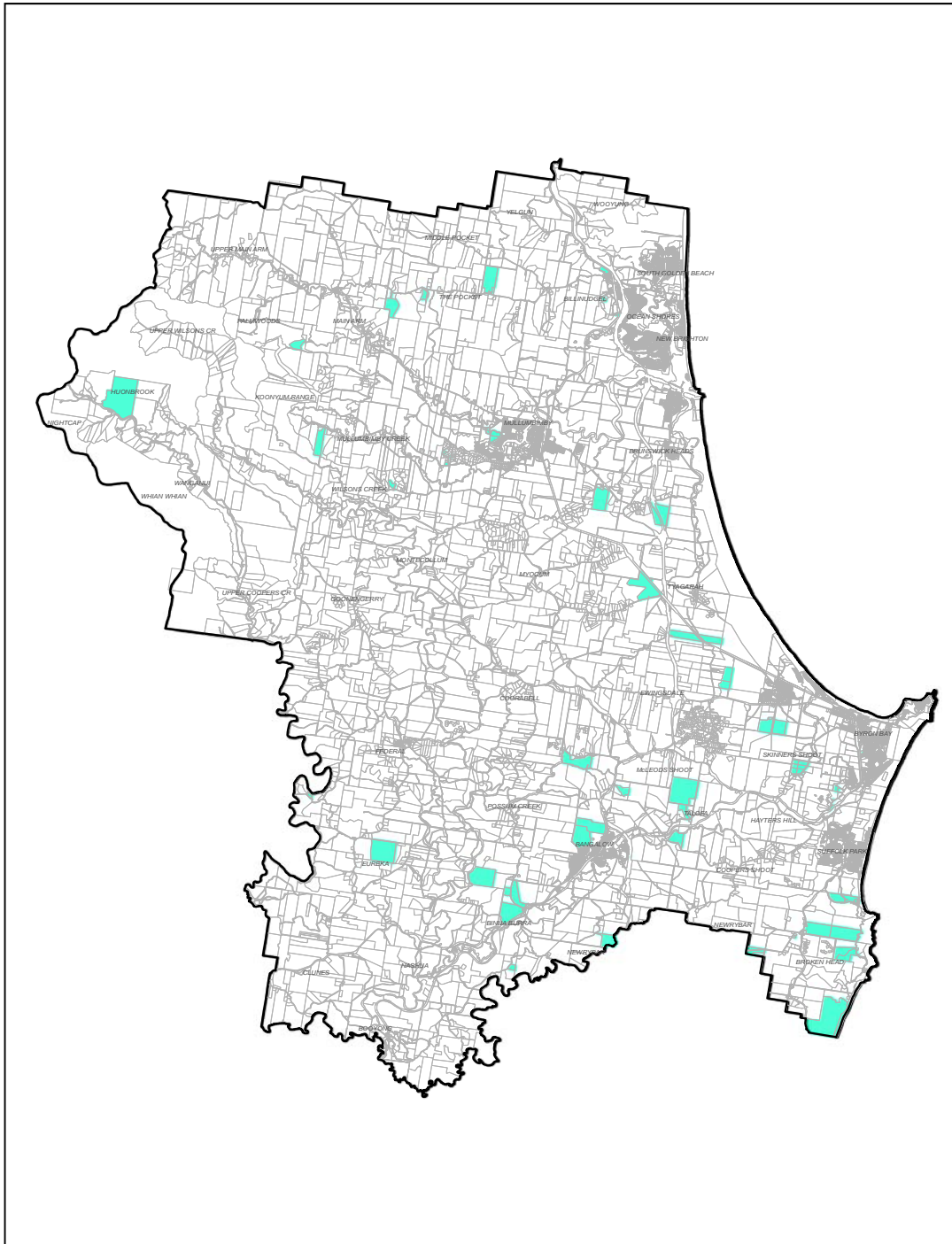


Figure 1: Map showing affected land parcels – Byron Shire

1.4 Council Decisions

The process for implementing the Northern Councils E Zone Review Final Recommendations Report was initially considered at Council's 17 November 2016 Ordinary Meeting. At that meeting Council resolved as follows [*Resolution 16-576*]:

1. That Council endorse the following process for amending Byron Local Environmental Plan (LEP) 2014 in order to implement the Northern Councils E Zone Review Final Recommendations Report:
 - a) accept the Department of Planning and Environment's offer of \$40,000 together with a conditional 30 June 2017 deadline for lodgement of a planning proposal;
 - b) prepare and exhibit a draft planning proposal that includes the proposed zoning and supporting methodology for a minimum period of 6 weeks (following the completion of Shire wide vegetation mapping);
 - c) invite submissions from affected landowners to determine: (i) primary land use; (ii) agreement or disagreement with proposed zoning; and (iii) alternative zoning (where applicable);
 - d) finalise the planning proposal for those sites where there is agreement with the proposed or alternative zoning; and
 - e) resolve the zoning of outstanding sites in a subsequent planning proposal.
2. That Council write to the Department of Planning and Environment (DPE) reaffirming Council's long standing position that a separate coastal hazard zone is required in Byron Local Environmental Plan 2014, as the current Standard Instrument LEP does not provide a suitable replacement for our current 7(f1) Coastal Land and 7(f2) Urban Coastal Land Zones and therefore appropriate alternatives such as 'E5 Coastal Hazard' and/or 'E6 Coastal Living' need to be provided. (Hunter/Spooner)

In relation to item '1.(a)' above, DPE subsequently advised that it could not support Council's endorsed process for implementing the E Zone review recommendations for purposes of the \$40,000 funding offer. This resulted in a revised implementation plan based on funds sourced internally.

Council considered a further report on the E zone review process at its 22 March 2018 Ordinary Meeting. The purpose of the report was to provide an update on

- recent engagement with affected landowners;
- the proposed staging of planning proposals (based on the high volume of responses received) to enable an efficient and effective Gateway lodgement process with DPE.

At that meeting Council resolved the following [*Resolution 18-188*]:

1. Note that land currently zoned under LEP 2014 (i.e. not Deferred Matter land) where the landowner received an E Zone notification letter but did not request an E Zone designation, will be excluded from further consideration under the E Zone review process.
2. Prepare Planning Proposal #1: (PP1) reflecting early agreements reached between landowners and Council staff on how environmental zones are to be applied and submit to the Department of Planning & Environment for Gateway determination.
3. Prepare Planning Proposal #2: (PP2) for:
 - (i) Deferred Matter areas that do not meet the criteria for an environmental zoning and will have a suitable rural zone applied (excluding LEP 1988 7(d) zoned land); or
 - (ii) Deferred Matter areas that currently have a residential, rural residential, commercial or industrial zoning in LEP 1988 that will transition to an equivalent LEP 2014 zone; or

- (iii) reflecting further agreements reached between landowner and Council staff on how environmental zones are to be applied;
- and submit to the Department of Planning & Environment for Gateway determination.
- 4. Endorse the introduction of a new LEP 2014 zone, RU6 Transition, to be applied to land currently zoned 7(d) Scenic Escarpment LEP 1988 that does not meet the criteria for an environmental zoning.
- 5. Subject to Council's endorsement of the proposed RU6 Transition Zone, prepare and undertake an informal exhibition of the related RU6 provisions for feedback from affected land owners who have not already agreed to this zone, and report the outcomes back to Council.
- 6. Receive a report on draft Planning Proposal #3: (PP3) for:
 - (i) Parcels where there is no agreement reached between the landowner and Council staff on proposed environmental zone/s; or
 - (ii) Deferred Matter areas that meet the criteria for an environmental zoning (in part or all) and where there has been no response from the landowner; or
 - (iii) remaining LEP 1988 7(d) zoned land to be zoned RU6 Transition (subject to Council endorsement).
- as soon as practical after Council's adoption of Planning Proposal #2.
- 7. Note that a further report on the use of mapped overlays as mechanism to protect environmental values will be provided to Council upon finalisation of the E zone Planning Proposals identified in Table 2.
- 8. Consider the allocation of \$50,000 as part of the forward budget process 2018/19 (alongside other Council program and budget priorities) to support a staged planning proposal program supported by robust community engagement to better inform the final E Zone Planning Proposal/s.

A visual overview of the staged planning proposal program is presented in section 1.7 below.

1.5 Gateway Determination

[To be completed following Gateway determination]

1.6 E Zone Implementation: Context and Application

The application of environmental zones (E zones) in Byron Shire must be consistent with the *Northern Councils E Zone Review Final Recommendations Report* prepared by the Department of Planning and Environment. This report is supported by Section 117 Ministerial Direction 2.5 to ensure the application of E zones and mapped planning controls are consistent with the final recommendations report.

Council's application of E zones to 'deferred' and 'non-deferred' land is informed by the following key elements of the *Final Recommendations Report*.

(i) Primary use of land

The *Final Recommendations Report* defines "primary use" of the land as the main use for which the land has been used for the last two (2) years.

For land that Council has verified as consistent with the vegetation criteria for an environmental zone, an E2 or E3 zone will generally be applied if the primary use of the land is confirmed to be environmental conservation (E2) or environmental management (E3).

The primary use of the land may vary across a particular property depending on the characteristics of the land. This means that land which is currently zoned rural could continue to have a rural zone, but may have parts of that land which have attributes that meet the criteria for an E2 or E3 zone mapped accordingly.

It is not necessary to determine the primary use of land already within an existing environmental zone such as 7(a), 7(b), 7(j) and 7(k) under the Byron LEP 1988.

For purposes of this planning proposal, the primary land use has been assessed by Council in consultation with affected landowners (where applicable).

(ii) Verifying the E zone criteria

An E zone or other mapped planning controls can be applied to land where the presence of attributes that meet the criteria have been verified by using one or a combination of the following:

- Biodiversity field inspections and ground surveys conducted by an appropriately qualified person.
- Flora and fauna reports conducted by a suitably qualified person (field work must be less than five years old).
- Review of current (not more than five years old) high resolution digital aerial photography verified by another one of these verification techniques.
- Aboriginal heritage field inspections and ground surveys conducted by an appropriately qualified person or someone with extensive field experience.
- Cultural heritage reports conducted by a suitably qualified person and in accordance with current guidelines.
- Consultation with Aboriginal cultural knowledge holders in relation to culturally significant lands in accordance with current guidelines.

It is not mandatory to apply an E zone if the land has been verified to meet the criteria.

(iii) Transferring previous environmental protection (7) zones

Land that is currently zoned *7(a) Wetlands Zone*, *7(b) Coastal Habitat Zone*, *7(j) Scientific Zone* or *7(k) Habitat Zone* under the Byron LEP 1988 may be transferred to an E2 or E3 zone once the attributes of the land have been verified against the criteria.

As mentioned above, it is not necessary to determine the primary use of land already within an existing environmental zone such as 7(a), 7(b), 7(j) and 7(k) under the Byron LEP 1988.

(iv) Voluntarily revegetated land

Land that has been voluntarily revegetated will not have an E2 or E3 zone applied to it without the landowner's agreement, unless the revegetation was undertaken with grant funding that required ongoing protection of the vegetation.

However, the landowner's agreement is not required if a Vegetation Overlay Map is applied to this revegetated land to identify matters that need to be considered when assessing future development applications on this land.

(v) Public and private land inconsistent with the criteria

Public land may be zoned E2 or E3, despite being inconsistent with the criteria, if the primary use of the land is environmental conservation or environmental management.

Private land may be zoned E2 or E3, despite being inconsistent with the criteria, if it is consistent with a negotiated development outcome (eg master plan, rezoning, development consent or designated offset areas) or with the agreement of the landowner.

(vi) Zoning of State and regionally significant farmland

When zoning State or regionally significant farmland, council must have regard for the primary use of the land before applying an E zone or a rural zone. Notwithstanding this, the primary use of land principle does not apply to land currently zoned for environmental protection.

(vii) Application of multiple zones to a single property (split zoned lots)

More than one zone can be applied to properties where the characteristics of different areas of the land reflect different uses of the land.

(viii) Mapped planning controls and associated clauses

Land that has been verified to meet the criteria for an E2 or E3 zone, where the primary use of the land is not environmental conservation or environmental management, may be included in a mapped planning control (also known as an “overlay”) such as a Vegetation Overlay Map.

In the case of vegetation overlay map, this will not duplicate E2 or E3 zones.

NOTE: Council will consider the use of Vegetation and/or Riparian Overlay maps upon finalisation of the E zone implementation program (i.e. as a separate planning proposal).

(ix) Scenic protection and aesthetic values

Council is not permitted to use scenic or aesthetic values as an attribute for the application of an E zone or mapped planning controls.

(x) Permissibility of agriculture in E zones

Extensive agriculture is to be listed as permissible with consent in the E2 zone and permissible without consent in the E3 zone.

The E3 zone can encompass areas where extensive agriculture occurs, such as understorey grazing or flood refuge.

(xi) Application of the E4 zone in Byron Council

Byron Shire Council is to prepare a planning proposal to apply a suitable residential zone to that land where an E4 zone was originally proposed under draft Byron LEP 2012.

1.7 E Zone Implementation Program and Staging Overview

Council at its 22 March 2018 Ordinary Meeting adopted a staged 'planning proposal' program to amend Byron LEP 2014 to implement the Department's 'Northern Councils E Zone Review Final Recommendations Report'. The staging is shown in Figure 2 below.

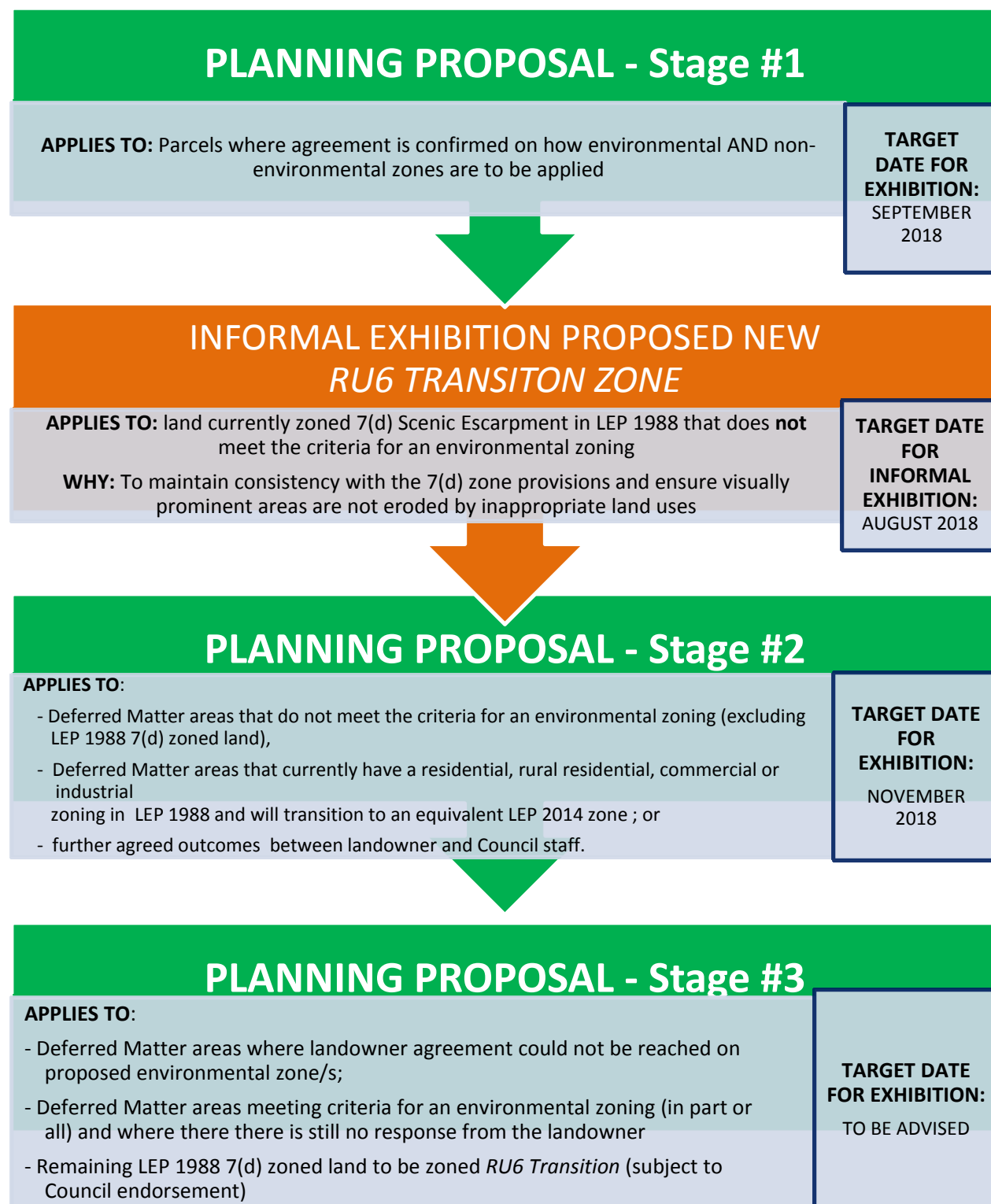


Figure 2: Staging Program to apply environmental and other zones on certain land in Byron LEP 2014

2. Objectives & Intended Outcomes

The overarching objective of this planning proposal is to implement Stage 1 of the E Zone implementation program adopted by Council at its Ordinary Meeting of 22 March 2018. Stage 1 captures land where early agreement has been confirmed between landowners and Council staff on how environmental and non-environmental zones are to be applied. This includes both 'Deferred Matter' and 'Non-Deferred Matter' areas identified in Byron LEP 2014.

It is intended to achieve the Stage 1 implementation through the following means:

- Introduce the E2 Environmental Conservation and E3 Environmental Management zones into the Byron LEP 2014 zoning palette.
- Apply environmental protection zones to land identified as meeting the criteria set out under the Northern Councils E Zone Review Final Recommendations Report.
- Apply residential, rural and special uses zones to other land that does not meet the criteria for application of environmental protection zones as set out under the Northern Councils E Zone Review Final Recommendations Report.
- Apply the following consequential mapping to the subject land: Height of Building; Minimum Lot Size; Floor Space Ratio; Acid Sulfate Soil; Drinking Water Catchment; Multiple Occupancy and Community Title; and Additional Permitted Uses.
- Adjust the Land Application Map to incorporate the land under the Byron LEP 2014.

3. Explanation of Provisions

3.1 E2 and E3 Zone Table Introduction

Environmental zones ('E zones') are designed to recognise and protect land that has important environmental value. An overview of the E2 and E3 zones as proposed for introduction into Byron Shire is provided below.

E2 Environmental Conservation

The E2 zone primarily applies to areas of high ecological, scientific or cultural value that should be protected for environmental conservation purposes, whilst allowing a limited range of land uses that are compatible with the environmental values of such areas. Examples of high ecological or scientific values in Byron Shire include: littoral rainforest, coastal wetlands, endangered ecological communities, threatened species habitat and over-cleared vegetation communities. The E2 zone will be applied to these and other suitable areas that meet the set criteria in the *Final Recommendations Report*.

Having regard for the outcomes of the Department of Planning's Northern Councils E Zone Review and the history and characteristics of Byron Shire, it is proposed that the E2 zone be introduced into the Byron LEP 2014 as follows. The zone provides for a limited range of permissible land uses recognising (i) its targeted application to areas of high ecological or scientific value and (ii) current land use permissibilities in the 7(a), 7(b), 7(j) and 7(k) zones under the Byron LEP 1988.

Zone E2 Environmental Conservation

1 Objectives of zone

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

2 Permitted without consent

Environmental protection works.

3 Permitted with consent

Environmental facilities; Extensive agriculture; Recreation areas; Roads.

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Recreation facilities (major); Residential accommodation; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; any other development not specified in above.

E3 Environmental Management

The E3 zone provides for the recognition, management and protection of environmental values whilst providing for a range of land uses compatible with those values. This may include land containing riparian / estuarine vegetation, or rare, endangered, and vulnerable forest ecosystems, bushfire asset protection zones or where established agricultural activities occur within vegetated areas that meet the E2 criteria. This zone allows for a wider range of land use activities that are compatible with these attributes.

Having regard for the outcomes of the Department of Planning's Northern Councils E Zone Review and the history and characteristics of Byron Shire, it is proposed that the E3 zone be introduced in the Byron LEP 2014 as follows..

Zone E3 Environmental Management

1 Objectives of zone

- To protect, manage and restore areas with special ecological, scientific, or cultural values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To encourage passive recreation, environmental education and an understanding of natural systems where these activities will not have a detrimental effect on land within the zone.

2 Permitted without consent

Extensive agriculture; Environmental protection works; Home-based child care; Home occupations.

3 Permitted with consent

Bed & breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Community facilities; Dual occupancies; Dwelling houses; Ecotourist facilities; Emergency services facilities; Environmental facilities; Farm buildings; Farm stay accommodation; Forestry; Flood mitigation works; Home businesses; Home industries; Horticulture; Jetties; Places of public worship; Recreation areas; Roads; Veterinary hospitals; Wharf or boating facilities.

4 Prohibited

Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified above.

These zones are proposed for introduction in relation to both this planning proposal and for application in subsequent planning proposals that relate to Council's E zone implementation program.

3.2 Application of E Zones

The application of E zones to land in the shire is based on the Department of Planning and Environment's Northern Councils E Zone Final Recommendations Report and the associated s.117 Ministerial Direction (2.5) under the *Environmental Planning and Assessment Act 1979*. Land proposed to be zoned E2 or E3 must contain one or more of the criteria listed in tables 1 and 2 of the Department's *Final Recommendations Report* (as reproduced below) and where applicable, be based on the primary land use.

Table 1: Criteria for Application of Environmental Zones

Criteria	Description
E2 Environmental Conservation	
SEPP 26 Littoral Rainforests.	Land mapped as littoral rainforest in accordance with the statewide policy for littoral rainforest protection (<i>State Environmental Planning Policy 26 – Littoral Rainforests</i>).
SEPP 14 Coastal Wetlands.	Land mapped as coastal wetlands in accordance with the statewide policy for coastal wetland protection (<i>State Environmental Planning Policy 14 – Coastal Wetlands</i>).
Endangered Ecological Communities (EECs) listed under the <i>Threatened Species Conservation Act 1995</i> and/or the <i>Environment Protection and Biodiversity Conservation Act 1999</i> .	Land containing vegetation communities listed as Endangered Ecological Communities the <i>Threatened Species Conservation Act 1995</i> (TSC) ¹ and the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC) ² . The <i>Far North Coast Regional Conservation Plan</i> ³ lists the following vegetation examples of EECs that currently exist on the Far North Coast: <i>Byron Bay Dwarf Graminoid Heath Community, Coastal Cypress Pine Forest, Coastal Saltmarsh, Freshwater Wetlands in Coastal Floodplains, Littoral Rainforest, Lowland Rainforest on Floodplains, Subtropical Coastal Floodplain Forest, Swamp Oak Floodplain Forest, Swamp Sclerophyll Forest on Coastal Floodplains, Themeda grassland on Seacliffs and Coastal Headlands, White Gum Yellow Gum Blakely's Red Gum Woodland, and White Gum Moist Forest.</i>
Key Threatened Species Habitat.	This criterion includes: <ul style="list-style-type: none"> old-growth forests where the overstorey or canopy trees are in the late mature stage of growth⁴; areas of predicted high conservation value for forest fauna assemblages, refugia, endemic forest fauna or endemic invertebrates⁵, and habitats for threatened species or endangered populations that cannot withstand further loss where the threatened species or endangered population is present⁶.
Over-cleared vegetation communities.	Land comprising: <ol style="list-style-type: none"> over-cleared vegetation communities, where more than 70% of the original (pre 1750) extent of the native vegetation type has been cleared⁷ and native vegetation in over-cleared Mitchell landscapes⁸. The <i>Far North Coast Regional Conservation Plan</i> lists the following as examples of: <ul style="list-style-type: none"> Over-cleared vegetation communities on the Far North Coast⁹: <ul style="list-style-type: none"> Rainforests, Wet sclerophyll forests (shrubby and grassy subformations), Dry sclerophyll forests (shrubby and shrub/grass subformations), Grassy woodlands, Grasslands (Themeda australis sod tussock), Heathlands, Forested wetlands, Freshwater wetlands, Saline wetlands; and Over-cleared Mitchell landscapes⁹: <ul style="list-style-type: none"> Byron–Tweed Alluvial Plains, Byron–Tweed Coastal Barriers, Clarence–Richmond Alluvial Plains and Upper Clarence Channels and Floodplains.

Criteria	Description
Culturally significant lands.	Areas of culturally significant lands such as Aboriginal object sites, Aboriginal places of heritage significance, and other significant objects identified by the local Aboriginal community ¹⁰ .
E3 Environmental Management	
Riparian and estuarine	Land comprising riparian and estuarine vegetation on waterfront land, defined under the
Rare, Endangered and	Land comprising areas of rare, endangered and vulnerable forest ecosystems as defined by
Native vegetation on coastal foreshores.	Native vegetation on land with frontage, or adjoining or adjacent to, a beach, estuary, coastal lake, headland, cliff or rock platform.

¹ threatened/communities/nsw-act

² <http://www.environment.nsw.gov.au/threatenedspeciesapp/default.aspx?keywords>

³ Far North Coast Regional Conservation Plan, NSW Environment Climate Change and Water, 2010, p24

⁴ <http://www.epa.nsw.gov.au/resources/pnf/OGRFreviewFieldIdent.pdf>

⁵ Scotts, D 2003, Key Habitats and Corridors for Forest Fauna: A Landscape Framework for Conservation in North-east New South Wales, NPWS Occasional Paper no. 32, National Parks and Wildlife Service, Sydney, NSW.

⁶ NSW Office of Environment and Heritage 'Threatened Species Profiles Database' <http://www.bionet.nsw.gov.au>

⁷ Keith, DA 2006, Ocean Shores to Desert Dunes the Native Vegetation of New South Wales and the ACT, Department of Environment and Climate Change, Hurstville.

⁸ Mitchell, PB 2002, 'NSW Ecosystems Study: Background and Methodology', report prepared for National Parks and Wildlife Service, Hurstville, NSW and Far North Coast Regional Conservation Plan, NSW Environment Climate Change and Water, 2010, p27.

⁹ Far North Coast Regional Conservation Plan, NSW Environment Climate Change and Water, 2010, p26

¹⁰ Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW, NSW Department of Environment, Climate Change & Water (2011)

Verification of site attributes that meet the E2 or E3 criteria has been undertaken by one or a combination of the following techniques:

- biodiversity field inspections and ground surveys conducted by an appropriately qualified person;
- supporting flora and fauna reports conducted by a suitably qualified person and guided by the *Draft Framework for Biodiversity Assessment*, NSW Office of Environment and Heritage (2014) and the *Draft Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities*, NSW Department of Environment and Conservation (2004). Note: the field work underpinning such reports is not more than five years old;
- review of current (not more than five years old) high resolution digital aerial photography that has been verified by another one of the above verification techniques.

This planning proposal includes a small number proposed E2/E3 areas which do not meet the above criteria but are part of an agreed outcome with the landowner. This is consistent with the Department's Final Recommendations Report which indicates that *'private land may be zoned E2 or E3 despite being inconsistent with the criteria, only if it is consistent with a negotiated development outcome (master plan, rezoning, development consent, designated offset areas) or at the request of the landowner'*.

Primary Use of Land

With respect to the primary use of land, Council has considered the characteristics of land and zoning application having regard to aerial photography, visual inspections undertaken and other property information (eg. farmland rating) available to Council. For land containing attributes that meet the criteria for an E2 or E3 zone, an initial assessment of primary land use was undertaken using Council records to identify the following land use categories:

- *Environmental* – generally applies to land: currently zoned 7(a), 7(b), 7(j) and 7(k) under the Byron LEP 1988; containing attributes that meet the criteria for an E2 or E3 zone; and where commercial agricultural activities are not carried out. Such areas can be actively or passively managed for environmental purposes.

It is not necessary to determine the primary use of land already within an existing environmental zone such as 7(a), 7(b), 7(j) and 7(k) under the Byron LEP 1988.

- *Agriculture* – applies to that part of land used for commercial agricultural activities including intensive livestock agriculture, intensive plant agriculture and extensive agriculture (e.g. grazing). This mainly includes land with a current commercial farmland rating or land assessed as being eligible for such a rating.
- *Other* – remaining areas not covered by the above categories.

Where applicable, further assessment of primary land use has been undertaken in consultation with those landowners included in this planning proposal.

3.3 Application of Rural Zones

The Byron LEP 2014 contains two rural zones applicable to land used for agricultural purposes as well as areas identified for future investigation and areas of extractive and mineral resources. An overview of the two rural zones is provided below.

The *RU1 Primary Production* zone provides for the identification and management of land suitable for most kinds of primary production. It is suitable for application to higher quality farmland that supports a variety of agricultural activity including extensive agriculture, horticulture and intensive livestock agriculture.

The *RU2 Rural Landscape* zone provides for the management of rural land that also may be suitable for primary production, but has landscape values or is identified as having some agricultural limitations. It is generally suitable for application to rural areas not identified for inclusion in the RU1 zone or an environmental protection zone.

The methodology for the application of rural zones in LEP 2014 was generally based on one or more of the following considerations: conversion of existing Byron LEP 1988 rural zone; cadastral boundaries; and data and mapping relating to agricultural classification and significance produced by the NSW Department of Primary Industries and the NSW Department of Planning and Environment.

Where the characteristics of the land warrant the application of a rural zone, such zones have been applied in this planning proposed based on the predominant surrounding rural zone(s) for consistency.

3.4 Application of Residential Zones

The application of a residential zone to land that does not meet the criteria for an E2 or E3 zone is confined to areas that are largely or wholly within an existing residential zone. This relates to the application of the *R2 Low Density Residential Zone* or *R5 Large Lot Residential Zone* in the planning proposal.

3.5 Application of Special Purpose (SP) Zones

The 'SP1 Special Activities' zone is generally intended for land uses or sites with special characteristics that cannot be accommodated in other zones. The zone also serves to identify the location/type of such uses clearly to the community. The proposal seeks to apply the *SP1 Mixed Use Development Zone* over part of land (Lot 1 DP 1031848 – Broken Head) containing an approved private education facility and associated infrastructure. Approximately 30ha of the 112ha site is already zoned SP1 and the majority of new SP1 areas proposed represent a direct transition from the current 5(a) Special Uses Zone under Byron LEP 1988.

The 'SP3 Tourist' zone is generally used where tourism is considered the primary focus of a particular location. The proposal seeks to apply the *SP3 Tourist Zone* over part of land (Lot 2 DP 1131866 – Broken Head) that adjoins a much larger SP3 Zone and/or 2(t) Tourist Area Zone (under Byron LEP 1988), as these areas do not meet the criteria for an E2 or E3 zone.

3.6 'Additional Permitted Uses' & 'Multiple Occupancy and Community Title' maps

Schedule 1 of the Byron LEP 2014 (and associated Clause 2.5) refers to specific land parcels where additional permitted uses may be undertaken despite other provisions of the LEP. The listing of premises in this schedule provides clarity and definition around the uses permitted on certain land to avoid ambiguity.

The following land parcel is identified for inclusion in Schedule 1 and is listed below in Table 2 in order to implement Council **Resolution 13-384(24)**, being:

24. *Amend the draft LEP Multiple Occupancy and Community Title Map to increase the number of dwelling sites from 4 to 6 for Lot 2 DP 599728, Seven Mile Beach Road, Broken Head.*

The site is currently identified in Schedule 8 of Byron LEP 1988 (Development for certain additional purposes) for the purpose of "four dwelling-houses and associated roads for a multiple occupancy, but only if all buildings are within the building envelopes shown for that lot on the map marked "Byron Local Environmental Plan 1988 (Amendment No 53)".

Table 2: Additional Permitted Uses – Proposed Listing in Byron LEP 2014

Parcel Number	Property Address	Development Permitted With Consent
81710	Lot 2 DP 599728, Seven Mile Beach Road, Broken Head	Six dwelling-houses and associated roads for a multiple occupancy.

Resolution 13-384(24) was made at Council's 8 August 2013 Ordinary Meeting as part of the finalisation of draft Byron LEP 2012. This land was subsequently deferred from LEP 2014 as a result the "E zone review" and hence it was not possible to implement the above resolution until now.

In accordance with the above resolution the subject land is identified for inclusion on the LEP 2014 'Additional Permitted Uses Map' and 'Multiple Occupancy and Community Title Map'. These maps are contained in Appendix 5.

4. Justification

4.1 Section A – Need for the Planning Proposal

Q1 Is the planning proposal a result of any strategic study or report?

Yes, the Northern Councils E Zone Review Final Recommendations Report published by the Department of Planning and Environment in October 2015. This report outlines the criteria for the application of environmental zones (“E” zones) to deferred matters previously identified as an E zone but excluded from the new plan (Byron LEP 2014).

The planning proposal is also informed by Council’s Shire wide vegetation mapping review (2015-17) and primary land use assessment.

Q2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. A planning proposal is the appropriate and only mechanism to integrate deferred matters into the Byron LEP 2014.

4.2 Section B – Relationship to Strategic Planning Framework

Q3 Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

The proposal is consistent with the North Coast Regional Plan 2036 which provides an overarching framework to guide subsequent and more detailed land use plans, development proposals and infrastructure funding decisions for the next 20 years.

Q4 Is the planning proposal consistent with a council’s local strategy or other local strategic plan?

The planning proposal is consistent with the overall vision of Council’s Community Strategic Plan and a key objective of the community” to protect and enhance our natural environment”.

The proposal is also consistent with the framework and relevant actions contained in the Byron Biodiversity Conservation Strategy 2004.

Q5 Is the planning proposal consistent with applicable State Environmental Planning Policies?

The proposal is considered to be generally consistent with applicable State Environmental Planning Policies (SEPPs) — namely the relevant aims contained in *SEPP (Vegetation in Non-Rural Areas) 2017* and *SEPP (Coastal Management) 2018*.

Q6 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The proposal is consistent with the relevant Section 117 Directions, with exception of direction 1.3. A Section 117 Direction checklist for the planning proposal is contained in Appendix 1.

4.3 Section C – Environmental, Social and Economic Impact

Q7 Is there any likelihood that critical habitat or threatened species, population or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The amendments contained in this proposal are not expected to impact adversely on critical habitats, threatened species, populations or ecological communities or their habitats.

Q8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No significant adverse environmental impacts are likely to arise as a result of the planning proposal.

Q9 Has the planning proposal adequately addressed any social and economic effects?

The proposal will facilitate the provision of a more efficient and effective land use planning framework. The proposed zonings in Stage 1 reflect agreed outcomes (as of mid-June 2018) and will provide land owners with certainty around the permissible land uses on their land. In addition, the integration of 'Deferred Matter' land into the Byron LEP 2014 will simplify the planning controls for future development proponents. For these reasons the social and economic impacts associated with the proposal are considered to be positive.

4.4 Section D – State and Commonwealth Interests

Q10 Is there adequate public infrastructure for the planning proposal?

The planning proposal does not create the need for any additional public infrastructure.

Q11 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Consultation will be undertaken with relevant agencies as required by the Gateway determination during the public exhibition stage of the LEP amendment.

5. Mapping Overview

The planning proposal will necessitate updates to the following Byron LEP 2014 maps:

- Land Zoning Map;
- Lot Size Map;
- Floor Space Ratio Map;
- Height of Buildings Map;
- Acid Sulfate Soil Map;
- Drinking Water Catchment Map;
- Multiple Occupancy and Community Title Map; and
- Additional Permitted Uses Map.
- Land Application Map

6. Community Consultation

An early consultation program with affected land owners to verify existing vegetation and primary use of the land has been underway since mid-October 2017. This will ensure the most up-to-date information is used to inform the rezoning of land to an environmental, rural or urban zone. Details of this engagement are contained in Appendix 3 of this Planning Proposal.

This proposal (Stage 1) relates to land where formal agreement has been confirmed with landowners (as of mid-June 2018) on how environmental AND non-environmental zones are to be applied.

The proposal will be exhibited in accordance with the Gateway determination and the terms of the *Environmental Planning and Assessment Act 1979*. This includes any required consultation with public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions. Affected landowners also will be notified in writing of the proposal and the community consultation arrangements prior to the public exhibition period.

7. Project Timeline

The proposed timeline for completion of the planning proposal is as follows:

Plan Making Step	Estimated Completion (Before)
Gateway Determination	July 2018
Government Agency Consultation	August 2018
Public Exhibition Period	August/September 2018
Public Hearing	N/A
Submissions Assessment	September/October 2018
RPA Assessment of Planning Proposal and Exhibition Outcomes	October/November 2018
Submission of Endorsed LEP to DP&I for Finalisation	November 2018
RPA Decision to Make the LEP Amendment (if delegated)	N/A [#]
Forwarding of LEP Amendment to DP&I for Notification (if delegated)	N/A [#]

[#] Council is not proposing to exercise plan finalisation functions under delegation.

APPENDICES

Appendix 1 – s.117 Direction Checklist

S117 Direction	Application	Compliance of Planning Proposal
1 Employment and Resources		
1.1 Business and Industrial Zones	Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).	Does not apply to planning proposal.
1.2 Rural Zones	<p>Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).</p> <p>Under this direction a planning proposal must:</p> <ul style="list-style-type: none"> (a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. (b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village). 	<p>Consistent.</p> <p>The planning proposal does not seek to rezone land from a rural zone to a residential, business, industrial, village or tourist zone, nor contain provisions that will increase the permissible density of land within a rural zone</p> <p>Whilst the planning proposal does include the rezoning of certain rural land to an environmental zone (E2 or E3), this is proposed in accordance with the NSW Government's Northern Councils E Zone Review Final Recommendations Report and associated Ministerial Direction 2.5 (see below).</p> <p>The planning proposal also provides for extensive agriculture as a permissible land use in both the E2 and E3 zones enabling certain agricultural activities on the land.</p>

S117 Direction	Application	Compliance of Planning Proposal
1.3 Mining, Petroleum Production and Extractive Industries	<p>Applies when a relevant planning authority prepares a planning proposal that would have the effect of:</p> <ul style="list-style-type: none"> (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or (b) 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. 	<p>Inconsistent.</p> <p>The proposal contains four (4) sites where an E2 Environmental Conservation Zone is proposed within a s117 mineral “transition area”. Three (3) of these sites are largely within an existing environmental protection zone. In accordance with the requirements of this direction, Council will consult with the Director-General of Department of Primary Industries (DPI) during exhibition of this planning proposal to clarify the development potential of these resources and DPI’s position on the proposed E2 zones on these sites.</p> <p>Further information about these sites is contained in Appendix 2.</p>
1.4 Oyster Aquaculture	<p>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"> (a) adverse impacts on a Priority Oyster Aquaculture Area or a “current oyster aquaculture lease in the national parks estate”, or (b) 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. 	<p>Does not apply to planning proposal.</p>

S117 Direction	Application	Compliance of Planning Proposal
1.5 Rural Land	<p>Applies when:</p> <p>(a) 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</p> <p>(b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone.</p> <p>A planning proposal to which clauses (a) and (b) apply must be consistent with the Rural Planning Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>.</p> <p>A planning proposal to which clause (b) applies must be consistent with the Rural Subdivision Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>.</p>	<p>Consistent.</p> <p>The planning proposal has been prepared having regard for the Rural Planning Principles in the State Environmental Planning Policy (Rural Lands) 2008 and the NSW Government's Northern Councils E Zone Review Final Recommendations Report.</p> <p>The planning proposal provides for extensive agriculture as a permissible land use in both the E2 and E3 zones enabling certain agricultural activities on the land.</p>
2 Environment and Heritage		
2.1 Environment Protection Zones	<p>A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>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".</p>	<p>Consistent.</p> <p>The planning proposal involves the application of environmental zones to land which meets the criteria contained within the NSW Government's Northern Councils E Zone Review Final Recommendations Report. This provides for the protection and conservation of environmentally sensitive areas.</p>
2.2 Coastal Protection	<p>This Direction applies when a relevant planning authority prepares a planning proposal that applies to land in the coastal zone.</p> <p>A planning proposal must include provisions that give effect to and are consistent with:</p> <p>a) the objects of the Coastal Management Act 2016 and the</p>	<p>Consistent.</p> <p>The application of environmental zones to certain land that contains wetland and/or littoral rainforest communities, and that meets the criteria contained within the NSW Government's Northern Councils E Zone Review Final</p>

S117 Direction	Application	Compliance of Planning Proposal
	<p>objectives of the relevant coastal management areas; (b) the NSW Coastal Management Manual and associated Toolkit; (c) NSW Coastal Design Guidelines 2003; and (d) any relevant Coastal Management Program that has been certified by the Minister, or any Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016, that applies to the land.</p> <p>In addition, a planning proposal must not rezone land which would enable increased development or more intensive land-use on land:</p> <p>(a) within a coastal vulnerability area identified by the <i>State Environmental Planning Policy (Coastal Management) 2018</i>; or (b) that has been identified as land affected by a current or future coastal hazard in a local environmental plan or development control plan, or a study or assessment undertaken: (i) by or on behalf of the relevant planning authority and the planning proposal authority, or (ii) by or on behalf of a public authority and provided to the relevant planning authority and the planning proposal authority.</p>	<p>Recommendations Report, is consistent with the relevant objectives and provisions of this direction.</p>

S117 Direction	Application	Compliance of Planning Proposal
2.3 Heritage Conservation	<p>A planning proposal must contain provisions that facilitate the conservation of:</p> <ul style="list-style-type: none"> (a) 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, (b) Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i>, and (c) 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. 	Does not apply to planning proposal.
2.4 Recreation Vehicle Areas	<p>A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the <i>Recreation Vehicles Act 1983</i>):</p> <ul style="list-style-type: none"> (a) where the land is within an environment protection zone, (b) where the land comprises a beach or a dune adjacent to or adjoining a beach, (c) 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: <ul style="list-style-type: none"> (i) the provisions of the guidelines entitled <i>Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September 1985</i>, and (ii) the provisions of the guidelines entitled <i>Recreation Vehicles Act, 1983, Guidelines for Selection, Design, and Operation</i> 	<p>Consistent.</p> <p>The Planning Proposal does not enable land to be developed for the purpose of a recreation vehicle area.</p>

S117 Direction	Application	Compliance of Planning Proposal
	<i>of Recreation Vehicle Areas, State Pollution Control Commission, September 1985.</i>	
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	<p>This direction applies when a relevant planning authority prepares a planning proposal:</p> <ul style="list-style-type: none"> (a) that introduces or alters an E2 Environmental Conservation or E3 Environmental Management zone; (b) that introduces or alters an overlay and associated clause. <p>A planning proposal must apply the proposed E2 Environmental Conservation or E3 Environmental Management zones, or the overlay and associated clause, consistent with the Northern Councils E Zone Review Final Recommendations.</p>	<p>Consistent.</p> <p>The proposed environmental zones are consistent with the criteria and supporting recommendations contained in the 'Northern Councils E Zone Review Final Recommendations' report.</p>
3 Housing, Infrastructure and Urban Development		
3.1 Residential Zones	<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"> (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary), (b) any other zone in which significant residential development is permitted or proposed to be permitted. <p>A planning proposal must include provisions that encourage the provision of housing that will:</p> <ul style="list-style-type: none"> (a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and (c) reduce the consumption of land for housing and associated 	<p>Consistent.</p> <p>The minor application of a residential zone (R2 Low Density Residential or R5 Large Lot Residential) in this proposal will retain the same provisions as the adjoining residential zone.</p>

S117 Direction	Application	Compliance of Planning Proposal
	<p>urban development on the urban fringe, and</p> <p>(d) be of good design.</p> <p>A planning proposal must, in relation to land to which this direction applies:</p> <p>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</p> <p>(b) not contain provisions which will reduce the permissible residential density of land.</p>	
<p>3.2 Caravan Parks and Manufactured Home Estates</p>	<p>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> <p>(a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and</p> <p>(b) 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.</p> <p>In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:</p> <p>(a) take into account the categories of land set out in Schedule 2 of SEPP 36 as to where MHEs should not be located,</p> <p>(b) take into account the principles listed in clause 9 of SEPP 36 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and</p> <p>(c) include provisions that the subdivision of MHEs by long term</p>	<p>Consistent.</p> <p>The proposal will not result in any reduction in the existing availability of land for caravan parks or manufactured home estates.</p>

S117 Direction	Application	Compliance of Planning Proposal
	lease of up to 20 years or under the <i>Community Land Development Act 1989</i> be permissible with consent.	
3.3 Home Occupations	Planning proposals must permit home occupations to be carried out in dwelling-houses without the need for development consent.	Consistent. The proposal will not affect any existing permissibility or exemptions for home occupations.
3.4 Integrating Land Use and Transport	<p>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> <p>(a) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and</p> <p>(b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).</p>	Consistent. This proposal will not result in any negative impacts on accessibility or transport movements.
3.5 Development Near Licensed Aerodrome	<p>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> <p>The main requirements of the Direction are that Council considers the Obstacle Limitation Surface (OLS) as defined by that Department of the Commonwealth for residential purposes, and does not increase residential densities in areas where the ANEF, as from time to time advised by that Department of the Commonwealth, exceeds 25.</p>	Does not apply to planning proposal.

S117 Direction	Application	Compliance of Planning Proposal
3.6 Shooting Ranges	<p>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> <p>A Planning Proposal must not seek to rezone land adjacent to and/or adjoining an existing shooting range that has the effect of permitting more intensive land uses in the area.</p>	Does not apply to planning proposal.
4 Hazard and Risk		
4.1 Acid Sulfate Soils	<p>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> <p>A council shall not prepare a draft LEP that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the council has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils.</p>	<p>Consistent.</p> <p>Some land to which this Planning Proposal is affected by acid sulfate soils. However the Planning Proposal is unlikely lead to intensification of land uses proposed on land identified on the Acid Sulfate Soils Planning Maps. Council will consider acid sulfate soils if it receives a development application for affected land in accordance with existing clause 6.1 of Byron LEP 2014.</p>
4.2 Mine Subsidence and Unstable Land	<p>Applies when a relevant planning authority prepares a planning proposal that permits development on land that:</p> <ul style="list-style-type: none"> (a) is within a mine subsidence district, or (b) has been identified as unstable in a study, strategy or other assessment undertaken: <ul style="list-style-type: none"> (i) by or on behalf of the relevant planning authority, or (ii) by or on behalf of a public authority and provided to the relevant planning authority. 	Does not apply to planning proposal.
4.3 Flood Prone Land	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.	Does not apply to planning proposal.

S117 Direction	Application	Compliance of Planning Proposal
	<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 <i>Floodplain Development Manual 2005</i> (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>).</p> <p>A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environment Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.</p> <p>A planning proposal must not contain provisions that apply to the flood planning areas which:</p> <ul style="list-style-type: none"> (a) permit development in floodway areas, (b) permit development that will result in significant flood impacts to other properties, (c) permit a significant increase in the development of that land, (d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or (e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development. <p>A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p> <p>For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>) unless a relevant planning authority provides adequate</p>	

S117 Direction	Application	Compliance of Planning Proposal
	justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).	
4.4 Planning for Bushfire Protection	<p>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> <p>A planning proposal must:</p> <ul style="list-style-type: none"> (a) have regard to <i>Planning for Bushfire Protection 2006</i>, (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and (c) ensure that bushfire hazard reduction is not prohibited within the APZ. <p>A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</p> <ul style="list-style-type: none"> (a) provide an Asset Protection Zone (APZ) incorporating at a minimum: <ul style="list-style-type: none"> (i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and (ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road, (b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions 	<p>Consistent (subject to consultation with the NSW Rural Fire Service).</p> <p>The proposal will result in the alteration to some planning provisions affecting bush fire prone land. This results from changes to zoning and associated planning controls, which are intended to reflect the characteristics of the land and current and planned land use. [Note: LEP 2014 cl 5.11 permits bush fire hazard reduction work authorised by the Rural Fires Act 1997 to be carried out on any land without development consent.]</p> <p>Consultation will be undertaken with the NSW Rural Fire Service in accordance with this Direction.</p>

S117 Direction	Application	Compliance of Planning Proposal
	<p>of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the <i>Rural Fires Act 1997</i>), the APZ provisions must be complied with,</p> <ul style="list-style-type: none"> (c) contain provisions for two-way access roads which link to perimeter roads and/or to fire trail networks, (d) contain provisions for adequate water supply for firefighting purposes, (e) minimise the perimeter of the area of land interfacing the hazard which may be developed, (f) introduce controls on the placement of combustible materials in the Inner Protection Area. 	
5 Regional Planning		
5.1 Implementation of Regional Strategies	Planning proposals must be consistent with a regional strategy released by the Minister for Planning.	Revoked
5.2 Sydney Drinking Water Catchments	Applies when a relevant planning authority prepares a planning proposal that applies to the hydrological catchment.	Does not apply to Byron Shire.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	The planning proposal must not rezone land mapped as State or regionally significant farmland under the Northern Rivers Farmland Protection Project for an urban use.	<p>Consistent.</p> <p>The proposal does not propose the rezoning of identified significant farmland for urban, residential or rural residential purposes.</p>
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	<p>A Planning Proposal that applies to land located on “within town” segments of the Pacific Highway must provide that:</p> <ul style="list-style-type: none"> (a) new commercial or retail development must be concentrated within distinct centres rather than spread along the highway, (b) development with frontage to the Pacific Highway must consider the impact the development has on the safety and 	Does not apply to planning proposal.

S117 Direction	Application	Compliance of Planning Proposal
	<p>efficiency of the highway.</p> <p>(c) For the purposes of this paragraph, “within town” means areas which, prior to the draft local environmental plan, have an urban zone (eg “village”, “residential”, “tourist”, “commercial”, “industrial”, etc) and where the Pacific Highway speed limit is less than 80 km/hour.</p> <p>A planning proposal that applies to land located on “out-of-town” segments of the Pacific Highway must provide that:</p> <p>(a) new commercial or retail development must not be established near the Pacific Highway if this proximity would be inconsistent with the objectives of this Direction,</p> <p>(b) development with frontage to the Pacific Highway must consider the impact the development has on the safety and efficiency of the highway.</p> <p>(c) For the purposes of this paragraph, “out-of-town” means areas which, prior to the draft local environmental plan, do not have an urban zone (eg “village”, “residential”, “tourist”, “commercial”, “industrial”, etc) or are in areas where the Pacific Highway speed limit is 80 km/hour or greater.</p>	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA).	Revoked.	N/A
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008)	Revoked.	N/A

S117 Direction	Application	Compliance of Planning Proposal
5.7 Central Coast (Revoked 10 July 2008)	Revoked.	N/A
5.8 Second Sydney Airport: Badgerys Creek	Applies to a planning proposal that enables the carrying out of development that could hinder the potential for development of a Second Sydney Airport.	Does not apply to Byron Shire.
5.9 North West Rail Link Corridor Strategy	[Only applies to Hornsby Shire Council, The Hills Shire Council and Blacktown City Council.]	Does not apply to Byron Shire.
5.10 Implementation of Regional Plans	All planning proposals must be consistent with the applicable Regional Plan released by the Minister for Planning.	Consistent. The planning proposal is generally consistent with the planning framework set out under the North Coast Regional Plan — in particular, Directions 1 & 2 (and supporting actions) associated with 'Goal 1: The most stunning environment in NSW'.
6. Local Plan Making		
6.1 Approval and Referral Requirements	A planning proposal must: (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: (i) the appropriate Minister or public authority, and (ii) the Director-General of the Department of Planning and Environment (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of	Consistent. The planning proposal does not introduce any new concurrence or consultation provisions or any additional designated development types.

S117 Direction	Application	Compliance of Planning Proposal
	<p>section 57 of the Act, and</p> <p>(c) not identify development as designated development unless the relevant planning authority:</p> <ul style="list-style-type: none"> (i) can satisfy the Director-General of the Department of Planning and Environment (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and (ii) has obtained the approval of the Director-General of the Department of Planning and Environment (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act. 	
6.2 Reserving Land for Public Purposes	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 and Environment (or an officer of the Department nominated by the Director-General).	Does not apply to Byron Shire.
6.3 Site Specific Provisions	<p>Applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.</p> <p>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"> (a) allow that land use to be carried out in the zone the land is situated on, or (b) 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 (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those 	Does not apply to Byron Shire.

S117 Direction	Application	Compliance of Planning Proposal
	<p>already contained in the principal environmental planning instrument being amended.</p> <p>A planning proposal must not contain or refer to drawings that show details of the development proposal.</p>	
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Strategy	[Only applies to certain Sydney metropolitan local government areas.]	Does not apply to Byron Shire.
7.2 Implementation of Greater Macarthur Land Release Investigation	[Only applies to land within the Greater Macarthur Land Release Investigation Area, as identified in the 'Greater Macarthur Land Release Preliminary Strategy and Action Plan'.]	Does not apply to Byron Shire.

Appendix 2 – Overview of Land Affected by s.117 Direction ‘1.3 – Mining, Petroleum Production and Extractive Industries’

(For consultation with the Director-General of the Department of Primary Industries in accordance with this direction.)

LZN Map Sheet Ref	Property Address (Lot / DP number)	Current Zoning	Resource type	E2 Zone distance from resource (approx.)	Extent of E2 Zone encroachment inside “Transition Area” (approx.)
LZN_002A	261 Settlement Road, MAIN ARM (Lot 4 DP567117)	- 7D Scenic Escarpment - 1B2 Agricultural Protection	Identified Resource	940 metres	50 metres
LZN_002D LZN_003CA	246 Woodford Lane, EWINGSDALE (Lot 27 DP858323)	- 7A Wetlands - 7B Coastal Habitat - 1A General Rural	Identified Resource	150 metres	Variable up to 625 metres
LZN_003CC	53 Melaleuca Drive, BYRON BAY (Lot 11 DP 1143215)	- 7A Wetlands	Identified Resource	350 metres	150 metres
LZN_003CC	Skidders Shoot Road, SKIDNERS SHOOT (Lots 267-270 DP 755695)	- 7B Coastal Habitat	Identified Resource	200 metres	150 metres

Appendix 3 – 22 March 2018 Council Report and Resolutions

Report No. 13.15 PLANNING - Update on Environmental Zone review and Planning Proposal implementation process

Directorate: Sustainable Environment and Economy
Report Author: Natalie Hancock, Senior Planner
File No: I2018/99
Theme: Ecology
 Planning Policy and Natural Environment

Summary:

At the 17 November 2016 Ordinary Meeting Council resolved (**Res16-576**) to endorse a process for amending Byron Local Environmental Plan (LEP) 2014 in order to implement the *Northern Councils E Zone Review Final Recommendations Report*. E zones were deferred from Byron LEP 2014 pending outcome of the State Government's review process, which was completed in late 2015.

Staff have commenced the E zone review process and are moving towards preparation of planning proposals. The purpose of this report is to update Council on:

- recent engagement with affected landowners
- the proposed staging of planning proposals (based on the responses received) to enable an efficient and effective Gateway lodgement process with the Department of Planning & Environment (DPE).

Council has received feedback from more than 750 affected landowners in the Shire. From this feedback process, staff have been able to determine an appropriate staging of planning proposals to enable more efficient and effective processing and minimise delays to landowners where there is agreement. The report recommends that Planning Proposals #1 and #2 be finalised and submitted to DPE for Gateway Determination in accordance with the target dates shown in Table 2.

Whilst the recent engagement included all landowners with potential E Zones mapped across the Shire for transparency, as per council resolution **16-576** only Deferred Matter designated land will progress to the next stage of formal planning proposals. The only exception to this will be where a landowner with LEP 2014 zoned land has requested an E Zone designation over their land.

This report also recommends that Council endorse the introduction of a new LEP 2014 zone, *RU6 Transition*, to be applied to land currently zoned *7(d) Scenic Escarpment* in LEP 1988 that does not meet the criteria for an environmental zoning. The ability to apply an *RU6 Transition Zone* as part of the E Zone implementation program would maintain consistency with the current *7(d)* zone provisions and ensure the scenic escarpment, as well as other visually significant areas, are not eroded by inappropriate land uses that are otherwise permitted in the RU1/RU2 zones. Subject to Council's endorsement of the proposed RU6 Transition Zone, staff propose to undertake an informal exhibition to invite feedback from affected land owners. The outcomes of this feedback would be reported back to Council together with a draft Planning Proposal #3 as soon a practical after Council's adoption of Planning Proposal #2.

A further report on the use of mapped overlays to protect environmental values that do not meet the criteria for an E zone, or as an alternative to an E zone, will be provided to Council upon finalisation of the E zone Planning Proposals.

NOTE TO COUNCILLORS:

- 5 In accordance with the provisions of S375A of the Local Government Act 1993, a Division is to be called whenever a motion for a planning decision is put to the meeting, for the purpose of recording voting on planning matters. Pursuant to clause 2(a) under the heading Matters to be Included in Minutes of Council Meetings of Council's adopted Code of Meeting Practice (as amended) a Division will be deemed to have been called by the mover and seconder of all motions relating to this report.

RECOMMENDATION:**That Council:**

1. **Note that land currently zoned under LEP 2014 (i.e. not Deferred Matter land) where the landowner received an E Zone notification letter but did not request an E Zone designation, will be excluded from further consideration under the E Zone review process.**
2. **Prepare Planning Proposal #1: (PP1) reflecting early agreements reached between landowners and Council staff on how environmental zones are to be applied and submit to the Department of Planning & Environment for Gateway determination.**
3. **Prepare Planning Proposal #2: (PP2) for:**
 - (i) **Deferred Matter areas that do not meet the criteria for an environmental zoning and will have a suitable rural zone applied (excluding LEP 1988 7(d) zoned land); or**
 - (ii) **Deferred Matter areas that currently have a residential, rural residential, commercial or industrial zoning in LEP 1988 that will transition to an equivalent LEP 2014 zone; or**
 - (iii) **reflecting further agreements reached between landowner and Council staff on how environmental zones are to be applied;****and submit to the Department of Planning & Environment for Gateway determination.**
4. **Endorse the introduction of a new LEP 2014 zone, *RU6 Transition*, to be applied to land currently zoned 7(d) *Scenic Escarpment* LEP 1988 that does not meet the criteria for an environmental zoning.**
5. **Subject to Council's endorsement of the proposed *RU6 Transition Zone*, prepare and undertake an informal exhibition of the related *RU6* provisions for feedback from affected land owners who have not already agreed to this zone, and report the outcomes back to Council.**
6. **Receive a report on draft Planning Proposal #3: (PP3) for:**
 - (i) **Parcels where there is no agreement reached between the landowner and Council staff on proposed environmental zone/s; or**
 - (ii) **Deferred Matter areas that meet the criteria for an environmental zoning (in part or all) and where there has been no response from the landowner; or**
 - (iii) **remaining LEP 1988 7(d) zoned land to be zoned *RU6 Transition* (subject to Council endorsement).**

as soon as practical after Council's adoption of Planning Proposal #2.

- 7. Note that a further report on the use of mapped overlays as mechanism to protect environmental values will be provided to Council upon finalisation of the E zone Planning Proposals identified in Table 2.**
- 8. Consider the allocation of \$50,000 as part of the forward budget process 2018/19 (alongside other Council program and budget priorities) to support a staged planning proposal program supported by robust community engagement to better inform the final E Zone Planning Proposal/s.**

Attachments:

- 1 Proposed RU6 Transitional zone: rationale and other supporting information, E2018/12601 [⇒](#)
- 5 2 Proposed uses and objectives in E2 and E3 zones - extract from Council website, E2018/15075 [⇒](#)
- 3 Landowner Letter 1: possible land satisfying E2 - E3 criteria, E2018/15918 [⇒](#)
- 4 Landowner Letter 2: land not satisfying E2 - E3 criteria, E2018/15926 [⇒](#)
- 5 Special Disclosure of Pecuniary Interest, E2012/2815 [⇒](#)

10

Report

Background

At the Ordinary Meeting 17 November 2016 Council resolved (**Res 16-576**) the following:

- 5 1. *That Council endorse the following process for amending Byron Local Environmental Plan (LEP) 2014 in order to implement the Northern Councils E Zone Review Final Recommendations Report:*
 - a. *accept the Department of Planning and Environment's offer of \$40,000 together with a conditional 30 June 2017 deadline for lodgement of a planning proposal;*
 - 10 b. *prepare and exhibit a draft planning proposal that includes the proposed zoning and supporting methodology for a minimum period of 6 weeks (following the completion of Shire wide vegetation mapping);*
 - 15 c. *invite submissions from affected landowners to determine: (i) primary land use; (ii) agreement or disagreement with proposed zoning; and (iii) alternative zoning (where applicable);*
 - 15 d. *finalise the planning proposal for those sites where there is agreement with the proposed or alternative zoning; and*
 - 15 e. *resolve the zoning of outstanding sites in a subsequent planning proposal.*
- 20 2. *That Council write to the Department of Planning and Environment (DPE) reaffirming Council's long standing position that a separate coastal hazard zone is required in Byron Local Environmental Plan 2014, as the current Standard Instrument LEP does not provide a suitable replacement for our current 7(f1) Coastal Land and 7(f2) Urban Coastal Land Zones and therefore appropriate alternatives such as 'E5 Coastal Hazard' and/or 'E6 Coastal Living' need*
- 25 *to be provided.*

A project update report to the Ordinary Council Meeting 23 February 2017 reported that:

- 30 • the DPE had advised that it is unable to support Council's endorsed process for implementing the E Zone review recommendations; hence \$40,000 funding offer cannot be provided;
- 30 • a letter had been forwarded to the Department of Planning and Environment (DPE) reaffirming Council's long standing position that a separate coastal hazard zone is required in Byron Local Environmental Plan 2014.

An appropriate coastal hazard zone and related planning controls are yet to be developed in consultation with the State Government.

Staff have since commenced the E zone review process and are moving towards preparation of planning proposals. The purpose of this report is to update Council on:

- recent engagement with affected landowners
- the proposed staging of planning proposals (based on the responses received) to enable an efficient and effective Gateway lodgement process with the Department of Planning & Environment (DPE).

Land Owner Engagement

The *Northern Councils E Zone Review Final Recommendations Report* (2015) (Final Recommendations Report) requires verification of the presence of vegetation attributes that meet the E2 or E3 criteria (as informed by Council's Shire wide vegetation mapping); identification and verification of primary land use; and confirmation of proposed E Zone with the affected landowner.

As part of the verification process, notification letters were sent to potentially affected E Zone landowners in early October 2017. These are discussed in more detail below. For consultation purposes, in applying the state government's environmental zones criteria, the mapping of possible E Zones extended beyond those area's originally identified with environmental values in 2012 and marked as 'Deferred Matters' (DM) in LEP 2014. Hence all landowners with environmental values on their land were notified, irrespective of having a DM.

This was combined with other activities and methods of communication to maximise the potential for understanding and support by affected landowners and the wider community on E Zone implementation including:

- three targeted stakeholder meetings to explain and pilot-test the process used in applying the State Government's E Zone criteria to land in the Shire;
- use of Council's website, public media, Facebook and an e-newsletter to advertise the engagement opportunities for landowners;
- provision of supporting material on Council's website including electronic access to interactive mapping, FAQ and fact sheets on how to provide feedback and an information sheet on the proposed uses and objectives in the E2 and E3 Zone (a copy of the information sheet is contained in Attachment 2);
- one on one meetings in both the office and field; and
- responding to phone enquiries and emails.

The engagement feedback period initially ran from 9 October - 22 December 2017, but was extended until late January 2018, for a total of 16 weeks, due to the high level of interest in the review.

Why does potential E zone mapping extend beyond the current Deferred Matter boundaries?

As part of the E Zone engagement process it was decided to map all vegetation satisfying the criteria for an E2 or E3 Zone and consult with all affected landowners, not just those with a DM designation. This decision was made on the basis that:

- the draft LEP 2012 DM boundaries were based on 2007 vegetation mapping and a range of considerations including variable width buffers (eg. riparian, NP), smoothing of gaps and sharp edges and existing '7' zones. As such, the DM boundaries reflect areas determined using a different methodology (vegetation, environment and aesthetics) than has now been applied in accordance with the 2015 Final Recommendations Report
- mapping of contiguous vegetation communities for possible E2 and E3 Zones would ensure a more holistic assessment of such vegetation for zoning purposes
- it was anticipated that the E Zone review process may result in agreed outcomes on many sites where the proposed E Zone/s do not align with the original DM areas, which is consistent with the *Northern Councils E Zone Review Final Recommendations Report* and the *Ministerial 117 Direction 2.5*.

Whilst potential E Zones were mapped across the Shire in this way for transparency, as per council resolution **16-576** only DM designated land will progress to the next stage of formal planning proposals. The only exception to this will be where a landowner with LEP 2014 zoned land has requested an E Zone designation over their land.

It is proposed that land currently zoned under LEP 2014 (i.e. not Deferred Matter land) where the landowner received an E Zone notification letter but did not request an E Zone designation, will be excluded from further consideration under the E Zone review process.

5 ***Landowner Notification Letters***

Two types of notification letters were issued as outlined below.

Letter 1: Possible land meeting E Zone Criteria

Approximately 2600 letters of this type were issued to landowners where Council's records suggest that all or part of their land may meet the criteria for an environmental zoning, irrespective of whether or not the land had a 'Deferred Matter' zone. The letter was intended to seek feedback from the landowner to:

- verify the Council's records on the criteria used to apply the E Zone, namely
 - vegetation mapping
 - primary land use
- clarify the landowner's position on the application of the proposed E Zone designation (agreement/disagreement)

A template copy of this letter is enclosed as Attachment 3.

Letter 2: Land not meeting E Zone Criteria

Approximately 560 letters of this type were issued to landowners where Council's records suggest that none of their land meets the criteria for an environmental zoning. The letter was intended to advise that:

- the land does not meet the criteria for an E Zone on the subject land;
- a suitable alternative zone will be applied to land currently mapped as DM under LEP 2014;
- landowners would be notified in writing of the suitable alternative zone and would have an opportunity to provide feedback on this zoning at a later date.

This letter was intended to be informative only and did not require a response from the landowner.

A template copy of this letter is enclosed as Attachment 4.

Consistent with **Res 16-576**, land wholly within the coastal 7(f1) and 7(f2) zones did not receive notification letters as these areas will be considered under a separate process and remain as a Deferred Matter until appropriate planning controls are developed in consultation with the State Government.

Responses

Council has received feedback from more than 750 affected landowners in the Shire. Staff are currently reviewing this feedback on a locality-by-locality basis. Feedback was also received from community members/groups who were not affected landowners, but had an interest in the outcome of the review.

As part of the feedback process Council staff engaged with landowners by one or more of the following methods: phone call, email, meeting and/or site visit. Not all landowners who received Letter 1 have responded, however further responses are still being received and considered at the time of writing this report.

From this feedback process staff have been able to determine an appropriate staging of planning proposals to enable more efficient and effective processing and minimise delays to landowners where there is agreement. The proposed staging is outlined in Table 2.

5 Table 2: Proposed “staging” of Planning Proposals (PP)

PP No.	PP Type	Staff comments and / or rationale
<p>PP #1</p> <p>Target date for lodgement with DPE: May/June 2018</p>	<p>Reflecting early agreements reached between landowners and Council staff on how environmental and non-environmental zones (e.g. RU1/RU2) are to be applied.</p> <p>This includes both DM & non-DM land in the Shire.</p>	<ul style="list-style-type: none"> • These landowners took the time to provide timely feedback about their land; • Landowner agreement has been reached on proposed E zones and/or other zones; • Private land may be zoned E2 or E3 despite being inconsistent with the criteria, at the request of the landowner; • Due to the agreed outcome/s on these parcels it is proposed that PP #1 be finalised and submitted to DPE for Gateway Determination by the target date. <p>RECOMMENDATION: That PP #1 be finalised and submitted to DPE for Gateway.</p>
<p>PP #2</p> <p>Target date for lodgement with DPE: September 2018</p>	<p>Addressing:</p> <ul style="list-style-type: none"> • DM areas that do not meet the criteria for an environmental zoning and will have a suitable rural zone applied (excluding LEP 1988 7(d) zoned land); or • DM areas that currently have a residential, rural residential, commercial or industrial zoning in LEP 1988 and will transition to an equivalent LEP 2014 zone; or • further agreements reached between landowner and Council staff. 	<ul style="list-style-type: none"> • Notification letters with no proposed E Zone/s (Letter 2) did not require a landowner response; • For land in a LEP 1988 urban zone (e.g. 2 (a), 2 (v)) where the primary use is residential or business, an E Zone will not be applied unless requested by the landowner; • A framework exists for transitioning non E zone areas to an equivalent LEP 2104 zone (see Table 3 following); • Under the planning proposal process a further opportunity exists for landowner feedback on the proposed non E Zone designations <p>RECOMMENDATION: That PP #2 be finalised and submitted to DPE for Gateway.</p>

PP No.	PP Type	Staff comments and / or rationale
PP #3 Target date for lodgement with DPE: 'To be Advised'	Addressing DM parcels where: <ul style="list-style-type: none"> a response was received but landowner and Council staff are unable to reach agreement on proposed environmental zone/s; or all or part meet the criteria for an environmental zoning but there has been no response from the landowner; or further agreements reached between landowner and Council staff; or balance of LEP 1988 7(d) zoned land is to be zoned <i>RU6 Transition</i> (subject to Council endorsement). 	<ul style="list-style-type: none"> Number of DM areas where agreement could not be reached is likely to be low and relate to land already in an existing LEP 1988 environmental zone; Proceeding to a Gateway may elicit a response and assist in verification for those who have not responded; Under the planning proposal process an opportunity exists for further landowner feedback on the proposed environmental zoning Landowners who disagree with the final E zone/s adopted by Council can seek an independent review by the NSW Chief Planner. <p>RECOMMENDATION: That Council receive a report on draft PP #3 as soon as practical after Council's adoption of Planning Proposal #2</p>

As indicated above, staff are working towards forwarding the first planning proposal to the Department of Planning and Environment (DPE) for Gateway determination in May/June 2018.

5 **Proposed 'RU6 Transition Zone'**

Protection of the rural landscape values, including scenic amenity, was one of the key messages expressed by the community in the *Rural Land Use Strategy Discussion Paper*. Under BLEP 1988 the 7(d) *Scenic Escarpment Zone* largely covers most escarpment land in the Shire, as well as other visually important areas. During preparation of the shire wide LEP, areas within the 7(d) zone were proposed to be zoned either *E2 Environmental Conservation* or *E3 Environmental Management* in accordance with the Byron Shire Local Environmental Study 2008. This is partly because there is no equivalent zone provided in the Standard Instrument LEP Template to accommodate such areas.

All 7(d) areas deferred from LEP 2014 are now being assessed against the State Government's E zone Review Final Recommendations Report and related criteria for applying E Zones. Under the Final Recommendations Report, councils on the Far North Coast are not permitted to use scenic or aesthetic values as an attribute for the application of an E2 or E3 Zone or mapped planning controls. The report also states that "A LEP Map is not to be used for areas of scenic protection or aesthetic values". Whilst some vegetated areas in the 7(d) *Scenic Escarpment Zone* meet the criteria for applying E2 Environmental Conservation, other areas do not and will require an alternative rural zone.

The E Zone review and the Rural Land Use Strategy engagement processes have identified a need for a suitable replacement zone to the 7(d) *Scenic Escarpment Zone* in order to:

- align with community values and Council policy (i.e. by ensuring that visually prominent areas are not eroded by inappropriate land uses that are otherwise permitted in the rural RU1/RU2 Zones);

- avoid delays for landowners who have already agreed to an E Zone on part of their land, but cannot proceed without a comparable zone in LEP 2014 for the remaining 7(d) Zone LEP 1988; and
- avoid the prospect of other 7(d) zoned land remaining as Deferred Matter due to the absence of a comparable LEP 2014 zone.

To maintain consistency with the 7(d) zone provisions and ensure escarpment (and other visually prominent) areas are not eroded by inappropriate land uses, a new *RU6 Transition Zone* is proposed. This is in recognition that the scenic escarpment is a sensitive landscape experiencing, and likely to continue to experience, increased development pressure. Inappropriate development has the potential to erode the scenic values of these areas and conflict with community values and Council's policy framework in this regard. The proposed *RU6 Transition Zone* will maintain the existing development framework around suitable land uses in these visually prominent areas and highly valued landscapes (by both residents and visitors). Initial discussions with the DPE have indicated that the use of the *RU6 Transition Zone* in this context would appear to be consistent with the intend application of this zone.

More detailed information about the proposed *RU6 Transition Zone* (as a draft amendment to Byron LEP 2014) is contained in Attachment 1.

RECOMMEDATIONS:

- **Endorse the introduction of a new LEP 2014 zone, *RU6 Transition*, to be applied to land currently zoned 7(d) *Scenic Escarpment* LEP 1988 that does not meet the criteria for an environmental zoning.**
- **Subject to Council's endorsement of the proposed *RU6 Transition Zone*, prepare and undertake an informal exhibition of the *RU6* provisions for feedback from affected land owners who have not already agreed to this zone, and report the outcomes back to Council.**

Framework for applying a suitable zone for non E Zone land under the LEP 2104 methodology

Table 3 below provides a framework to be applied in transitioning non E zone areas (LEP 1988) to an equivalent LEP 2104 zone, based on the previous adopted LEP 2014 methodology. This has been updated to reflect the introduction of a new RU6 Zone (pending Council's endorsement).

Table 3: Framework for translation of land use zones between LEP 1988 and LEP 2014

LEP 1988 zones/land not meeting the criteria for an environmental zoning	Proposed LEP 2014 zone/s
<ul style="list-style-type: none"> • Agricultural Protection Zones 1B1 & 1B2 Zones • State Significant Farmland Protection Areas • Prime Agricultural Lands • Current 1E Extractive Resources Zone (excluding Myocum Waste Management Facility) • S117 identified mineral resources • Private properties currently managed by State Forests (areas identified in layer file received from State Forests) 	RU1 Primary Production Zone

LEP 1988 zones/land not meeting the criteria for an environmental zoning	Proposed LEP 2014 zone/s
1A General Rural and 1D Investigation Zones	RU2 Rural Landscape Zone <i>Note:</i> On completion of the zoning mapping small (<10ha) and narrow (<50m) areas of RU2 were merged into the adjoining RU1 zone.
7(d) Scenic Escarpment	RU 6 Transition Zone (subject to endorsement) <i>(Note: Not part of the previous LEP 2014 methodology)</i>
2 (v) Village Zone	RU 5 Village Zone
2 (a) Residential Zone	R2 Low Density Residential
1 (c1) and 1(c2) Small Holdings	R 5 Large Lot Residential
3 (a) Business Zone	B1, 2, 4 & 7 Business zones as appropriate reflective of surrounding zoning
4 (a) Industrial Zone	IN 1 & 2 Industrial zones as appropriate reflective of surrounding zoning
5 (a) Special Uses Zone	SP2 Infrastructure
2 (t) Tourist Area Zone	SP3 Tourist

Some coastal areas are also identified as a Deferred Matter under the Byron LEP 2014, pending the outcomes of the State Government's coast management review and the possible adoption of a new coastal zone. This applies to (7 (f1) *Coastal Lands* and 7(f2) *Urban Coastal Lands* in LEP 1988. Such areas will be considered under a separate process and remain as a DM under the Byron LEP 2014 until appropriate planning controls are developed in consultation with the State Government. These zones are therefore not reflected in Table 3 above.

10 What happens if a landowner disagrees with a proposed E zone?

The DPE *Northern Councils Environmental Zone Review Final Recommendations Report & Section 117 Direction 'Frequently Asked Questions'* Sheet clarifies the process to be applied in the event that a landholder does not agree that their land meets the primary use or validation criteria for an E Zone. The NSW Chief Planner has been appointed by the Minister for Planning to undertake an independent review. The Chief Planner will make a decision on the dispute, based on an assessment of the evidence provided by both Council and the landholder. Councils are required to notify landholders once it resolves to adopt an E zone following a review of submissions. The landholder has 28 days from Council's notification of the adoption of the final proposed zones to notify the Department of their request for a review by the Chief Planner.

Council and Crown Land

As part of the review process, staff will hold further discussions with other sections of Council and Crown land representatives to determine an appropriate zone for land where Council's records suggest that all or part of this land may meet the criteria for an environmental zoning. Landowner feedback requesting an outcome that may affect Council or Crown land will be considered as part of this process.

Overlays

- 5 Council has the option of using mapped planning controls (also known as “overlays”) to protect environmental values that do not meet the criteria for an E zone, or as an alternative to an E zone. These may be applied to sensitive riparian areas (i.e. land within a certain distance of a watercourse) or other native vegetation that needs to be managed through local provision and associated “overlay” map in LEP 2014. The verification process has identified potential land where this may be an appropriate management mechanism, however this is best considered at the end of the E Zone review. A further report on this option will be provided to Council upon finalisation of the application of E Zones.
- 10

Financial Implications

- 15 Staff are proposing a staged planning proposal program supported by robust community engagement to better inform the final E Zone Planning Proposal/s. The timeframe for this project will extend beyond financial 2017-18 financial year and hence its successful completion will require additional budget allocation in the 2018/19 financial year. A \$50,000 budget bid has been submitted for consideration in the 2018/19 Council Budget.
- 20

Statutory and Policy Compliance Implications

- 25 The process of applying E zones and mapped overlays in Byron LEP 2014 must satisfy Section 117 Direction 2.5 – *Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs*. This direction specifically requires that a planning proposal that introduces or alters an *E2 Environmental Conservation* or *E3 Environmental Management Zone*, or an overlay and associated clause must be consistent with the *Northern Councils E Zone Review Final Recommendations*.
- 30 In addition, the newly proposed *RU6 Transition Zone* is consistent with community values and Council policy in relation to the current 7(d) *Scenic Escarpment Zone*, as well as the relevant goals and supporting directions in the *North Coast Regional Plan 2036*.

LEP 2014: Proposed **RU6 Transition Zone**

Rationale

Protection of the rural landscape values, including scenic amenity, was one of the key messages expressed by the community in the *Rural Land Use Strategy Discussion Paper*. Under BLEP 1988 the 7(d) Scenic Escarpment Zone covers most of the escarpment land in the Shire, as well as other visually important areas. During preparation of the shire wide LEP, areas within the 7(d) zone were proposed to be zoned either E2 Environmental Conservation or E3 Environmental Management in accordance with the Byron Shire LES 2008. This is because there is no equivalent zone provided in the Standard Instrument LEP Template (SI LEP) to accommodate such areas.

All 7(d) areas deferred from LEP 2014 are now being assessed against the State Government's E zones Review Final Recommendations Report and related criteria for applying E Zones. Under the Final Recommendations Report, councils on the Far North Coast are not permitted to use scenic or aesthetic values as an attribute for the application of an E2 or E3 zone or mapped planning controls. The report also states that "A LEP Map is not to be used for areas of scenic protection or aesthetic values". Whilst some vegetated areas in the 7(d) Scenic Escarpment Zone meet the criteria for applying E2 Environmental Conservation, other areas do not and will require an alternative rural zone.

The E Zone review and the Rural Land Use Strategy engagement processes have identified a need for a suitable replacement zone to the 7(d) *Scenic Escarpment Zone*. This is necessary in order to:

- align with community values and Council policy (ie. by ensuring that visually prominent areas are not eroded by inappropriate land uses that are otherwise permitted in the RU1/RU2 zones);
- avoid delays for landowners who have already agreed to an E Zone on part of their land, but cannot proceed without a comparable zone in LEP 2014 for the remaining 7(d) Zone LEP 1988; and
- avoid the prospect of other 7(d) zone land remaining as Deferred Matter due to the absence of a comparable LEP 2014 zone.

Although one of the objectives in the current RU1 Primary Production Zone and RU2 Rural Landscape Zone is '*To protect significant scenic Landscapes and to minimise impacts on the scenic quality of the locality*', the range of permissible land uses in both zones is much greater than that of the 7(d) zone. This is shown in Table 1 below.

Initial discussions with the Department of Planning and Environment have indicated that the use of the RU6 Transition Zone in this context would appear to be consistent with the intend application of this zone.

Table 1 – Comparison of permissible land uses in the '7(d)', 'RU1' and 'RU2' zones

ZONE →	7(d) Scenic Escarpment (BLEP 1988)	RU1 Primary Production (BLEP 2014)	RU2 Rural Landscape (BLEP 2014)
2. Permitted without consent	Nil.	Environmental protection works; Extensive agriculture; Home-based child care; Home	Environmental protection works; Extensive agriculture; Home-based child care; Home

BYRON SHIRE COUNCIL

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

13.15 - ATTACHMENT 1

ZONE →	7(d) Scenic Escarpment (BLEP 1988)	RU1 Primary Production (BLEP 2014)	RU2 Rural Landscape (BLEP 2014)
		occupations	occupations
3. Permitted with consent	Agriculture; bed and breakfast establishments; bushfire hazard reduction; car parks; clearing of land; drainage; dwelling-houses; environmental facilities; home industries; primitive camping grounds; restaurants; roads; utility installations.	Agriculture; Airstrips; Animal boarding or training establishments; Business identification signs; Camping grounds; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Helipads; Home businesses; Home industries; Industrial retail outlets; Industrial training facilities; Intensive livestock agriculture; Intensive plant agriculture; Landscaping material supplies; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Restaurants or cafes; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Secondary dwellings; Tourist and visitor accommodation; Veterinary hospitals	Agricultural produce industries; Agriculture; Airstrips; Animal boarding or training establishments; Business identification signs; Camping grounds; Cemeteries; Centre-based child care facilities; Community facilities; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Funeral homes; Garden centres; Health consulting rooms; Helipads; Home businesses; Home industries; Hostels; Industrial retail outlets; Industrial training facilities; Information and education facilities; Landscaping material supplies; Livestock processing industries; Neighbourhood shops; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Roadside stalls; Rural supplies; Rural workers' dwellings; Secondary dwellings; Stock and sale yards; Storage premises; Tourist and visitor accommodation; Transport depots;

BYRON SHIRE COUNCIL

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

13.15 - ATTACHMENT 1

ZONE →	7(d) Scenic Escarpment (BLEP 1988)	RU1 Primary Production (BLEP 2014)	RU2 Rural Landscape (BLEP 2014)
			Truck depots; Veterinary hospitals; Warehouse or distribution centres
4. Prohibited	Any purpose other than a purpose specified in item 2 or 3.	Aquaculture; Backpackers' accommodation; Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3	Aquaculture; Backpackers' accommodation; Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3

To maintain consistency with the current 7(d) zone provisions and ensure visually prominent areas are not eroded by inappropriate land uses that are otherwise permitted in the RU1/RU2 zones, a new *RU6 Transition Zone* is proposed as follows.

ZONE RU6 TRANSITION ('grey shading' = compulsory in SI LEP / 'blue' font = additional local provisions proposed)

1 Objectives of zone

- To protect and maintain land that provides a transition between rural and other land uses of varying intensities or environmental sensitivities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage development that contributes to the Shire's rural landscape character and visual qualities

2 Permitted without consent

environmental protection works; home occupations.

3 Permitted with consent

Agriculture; bed and breakfast accommodation; camping grounds; community facilities; dwelling houses; Eco-tourist facilities; Environmental facilities; home businesses; Home industries; restaurants; roads; road side stalls.

Comparison with 7d Scenic Escarpment Zone (LEP 1988):

3 Only with development consent

Agriculture; bed and breakfast establishments; bushfire hazard reduction; car parks; clearing of land; drainage; dwelling-houses; environmental facilities; home industries; primitive camping grounds; restaurants; roads; utility installations.

4 Prohibited

Any other development not specified in item 2 or 3

The proposed RU6 zone recognises that the scenic escarpment is a sensitive landscape experiencing, and likely to continue to experience, increased development pressure. Inappropriate development has the potential to erode the scenic values of these areas and conflict with community values and Council's policy framework in this regard. The proposed *RU6* zone will maintain the existing development framework around suitable land uses in these visually prominent areas and highly valued landscapes (by both residents and visitors).

RU6 Planning Implications

It is noted that the introduction of a new RU6 zone will not be an exact translation of landuses from the 7(d) zone, mainly due differences between LEP 1988 and LEP 2014 landuse definitions. In addition, DCP 2014 (Chp D3 - Visually Prominent Sites, Visually Prominent Development and View Sharing) my need to be amended to included supporting provisions for land affected by the RU6 Zone.

Proposed Objectives and Uses in the E2 and E3 Zones

The following objectives and permissible land uses are proposed in the E2 and E3 zones:

Zone E2: Environmental Conservation

Objectives of zone

- To protect, manage and restore areas of high ecological, scientific, or cultural values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

Permitted without consent

Environmental protection works.

Permitted with consent

Environmental facilities; Extensive agriculture; Recreation areas; Roads.

Prohibited

Business premises; Hotel or motel accommodation; Industries; Recreation facilities (major); Residential accommodation; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; any other development not specified in above.

Zone E3: Environmental Management

Objectives of zone

- To protect, manage and restore areas with special ecological, scientific, or cultural values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To prevent inappropriate development in geologically hazardous areas.
- To encourage passive recreation, environmental education and an understanding of natural systems where these activities will not have a detrimental effect on land within the zone.

Permitted without consent

Extensive agriculture; Environmental protection works; Home-based child care; Home occupations.

Permitted with consent

Bed & breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Community facilities; Dual occupancies; Dwelling houses; Ecotourist facilities; Emergency services facilities; Environmental facilities; Farm buildings; Farm stay accommodation; Forestry; Flood mitigation works; Home businesses; Home industries; Horticulture; Jetties; Places of public worship; Recreation areas; Roads; Veterinary hospitals; Wharf or boating facilities.

Prohibited

Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified above.

To view the above land use definitions see the [dictionary of Byron LEP 2014](#)



BSC Ref: #E2017/84062

9th October 2017

****POSSIBLE LAND SATISFYING E2-E3 ZONE CRITERIA****

Dear Landowner

Update on Northern Councils Environmental Zone Review Process

I am writing to provide an update on the Northern Councils Environmental Zone Review process and you are receiving this letter as some or all of your property (Parcel no/s: **74170, 121220, 121230, 213010 and 228550**) is affected by this review.

Council's records suggest that all or part of your land may meet the criteria for an environmental zoning. Please read on for further information.

What is the Northern Councils Environmental Zone Review?

The Minister for Planning and Infrastructure, in September 2012, announced a review of the application of environmental zones in Local Environmental Plans (LEPs) on the Far North Coast. The purpose of the review is to provide a balanced approach to environmental zonings on the Far North Coast, as well as greater certainty for landowners, councils and the community on how environmental zoning will be applied. The review applies to the local government areas of Ballina, Byron, Kyogle, Lismore and Tweed.

Environmental Zones - or 'E zones' - are designed to protect or manage land that is of important environmental value. These zones were removed from all Northern Rivers Councils' LEPs in 2012 pending the outcome of the review process. This has resulted in broad areas across Byron Shire being mapped as "Deferred Matter" (or DM) in Byron LEP 2014. This means that a land use zoning under Byron LEP 2014 has not been applied to all or part of your land, and consequently Byron LEP 1988 continues to apply to these areas.

What is the status of this review?

The State government released its *Northern Councils E Zone Review Final Recommendations Report (E zone Report)* in October 2015. It also released supporting legislation in March 2016 to ensure environmental zones are to be applied in accordance with the *E zone Report* recommendations. Council is now assessing the future zoning of "Deferred Matter" (or DM) areas under Byron LEP 2014, in accordance with the legislation.

How is Byron Shire Council implementing the review outcomes?

Council is committed to an open and transparent planning process for resolving deferred matter areas in Byron LEP 2014. This includes working with landowners to achieve agreed outcomes wherever possible. As the first stage of the assessment process Council is consulting with affected landowners to verify information relating to existing vegetation and primary use of the land. This will ensure the



TRADITIONAL HOME OF
THE BUNDJALUNG PEOPLE

ALL COMMUNICATIONS TO BE
ADDRESSED TO THE GENERAL MANAGER
PO Box 219 Mullumbimby NSW 2482 (70-90 Station Street)
E: council@byron.nsw.gov.au
P: 02 6626 7000 F: 02 6684 3018
www.byron.nsw.gov.au ABN: 14 472 131 473

most up to date information is used to inform the future rezoning of affected land (the next stage).

The outcome of this process may result in some areas of the Shire being rezoned as E2 Environmental Conservation and/or E3 Environmental Management, while other areas that do not meet the *E zone Report* criteria will have an alternative zone applied (most likely a rural zone) and any applicable mapped planning controls (known as "overlays").

What do Council's records identify for my property?

Council has undertaken a preliminary assessment to determine a possible zone for the DM area of your property. The assessment is based on: (i) information collected during the recent Shire wide Vegetation Mapping Review and (ii) primary land use (the predominant use of the land over the last two years).

Based on the *E zone Report* criteria, **Council's vegetation mapping indicates that all or part of your land has potential for an E2 or E3 zone.**

Based on Council's property information, **the primary land use of all or part of your land has been identified as 'Agricultural/Environmental/Other'.**

Where can I go to find out more?

To see what part of your land may be affected by a potential E2 or E3 zone or understand how primary land use was determined, you can view this and other supporting information on Council's website at <http://www.byron.nsw.gov.au/environmental-zones-e-zones>.

How can I have a say about the accuracy of this information

Council strongly encourages you to review the above information for your property and notify Council of any inaccuracies by **10 November 2017**. This can be done by:

- requesting a site inspection or making an appointment to speak with staff at Council's Mullumbimby offices by emailing joanne.green@byron.nsw.gov.au. Appointment times during the review period are between 9.00 and 12.00, Monday to Wednesday;
- talking to staff at various "drop-in" locations during October (see Council's website for dates/times);
- providing written feedback, which can be emailed to council@byron.nsw.gov.au or posted to Byron Shire Council, PO Box 219 Mullumbimby 2482 no later than **10 November 2017**.

Please include reference to the E Zone Review process, along with your property address and parcel number, contact details and a description of the changes you consider are required. You may also choose to include supporting information relating to primary land use and/or vegetation on your land. Council will review your feedback and may request your permission to carry out a site inspection of the vegetation on your property to inform amendments to the mapping.

If you require further assistance or advice regarding the above information, please contact Council's Environmental and Economic Planning division on ph (02) 6626 7126.

Yours sincerely



Alex Caras 1 Land Use Planning Coordinator



BSC Ref: #E2017/84064

9th October 2017

**** LAND NOT SATISFYING E2-E3 ZONE CRITERIA ****

Dear Landowner

Update on Northern Councils Environmental Zone Review Process

I am writing to provide an update on the Northern Councils Environmental Zone Review process and you are receiving this letter as some or all of your property (Parcel no/s: **131540**) is affected by this review.

Council's records suggest that NO part of your land meets the criteria for an environmental zoning. Please read on for further information.

What is the Northern Councils Environmental Zone Review?

The Minister for Planning and Infrastructure, in September 2012, announced a review of the application of environmental zones in Local Environmental Plans (LEPs) on the Far North Coast. The purpose of the review is to provide a balanced approach to environmental zonings on the Far North Coast, as well as greater certainty for landowners, councils and the community on how environmental zoning will be applied. The review applies to the local government areas of Ballina, Byron, Kyogle, Lismore and Tweed.

Environmental Zones - or 'E zones' - are designed to protect or manage land that is of important environmental value. These zones were removed from all Northern Rivers Councils' LEPs in 2012 pending the outcome of the review process. This has resulted in broad areas across Byron Shire being mapped as "Deferred Matter" (or DM) in Byron LEP 2014. This means that a land use zoning under Byron LEP 2014 has not been applied to all or part of your land, and consequently Byron LEP 1988 continues to apply to these areas.

What is the status of this review?

The State government released its *Northern Councils E Zone Review Final Recommendations Report (E zone Report)* in October 2015. It also released supporting legislation in March 2016 to ensure environmental zones are to be applied in accordance with the *E zone Report* recommendations. Council is now assessing the future zoning of "Deferred Matter" (or DM) areas under Byron LEP 2014, in accordance with the legislation.



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How is Byron Shire Council implementing the review outcomes?

Council is committed to an open and transparent planning process for resolving deferred matter areas in Byron LEP 2014. This includes working with landowners to achieve agreed outcomes wherever possible. As the first stage of the assessment process Council is consulting with affected landowners to verify information relating to existing vegetation and primary use of the land. This will ensure the most up to date information is used to inform the future rezoning of affected land (the next stage).

The outcome of this process may result in some areas of the Shire being rezoned as E2 Environmental Conservation and/or E3 Environmental Management, while other areas that do not meet the *E zone Report* criteria will have an alternative zone applied (most likely a rural zone) and any applicable mapped planning controls (known as "overlays").

What do Council's records identify for my property?

Council has undertaken a preliminary assessment to determine a possible zone for the DM area of your property. The assessment is based on information collected during the recent Shire wide Vegetation Mapping Review.

Based on the *E zone Report* criteria, Council's vegetation mapping indicates that **NO part of your land meets the criteria for an E2 or E3 zone.**

Council will investigate a suitable alternative zone (most likely a rural zone) for the DM area of your property as part of the next stage of the assessment process. You will be notified in writing and have an opportunity to provide feedback when the next stage commences.

Where can I go to find out more?

For further information about the E zone review process and to view supporting mapping of the proposed environmental zones, please go to Council's website at <http://www.byron.nsw.gov.au/environmental-zones-e-zones>.

If you feel the above assessment of your land is incorrect, or you require further assistance or advice regarding the E zone review process, please contact Council's Environmental and Economic Planning division on ph (02) 6626 7126 by **10 November 2017**.

Yours sincerely



Alex Caras 1 Land Use Planning Coordinator

BSC File No: E2017/84065
Contact: Jo Green / Alex Caras 6626 7126

11 October 2017

****LAND AFFECTED BY A REGISTERED FORESTRY
OR TIMBER PLANTATION AGREEMENT****

Dear Landowner

Update on Northern Councils Environmental Zone Review Process

I am writing to provide an update on the Northern Councils Environmental Zone Review process and you are receiving this letter as some or all of your property (Parcel no/s: 218320) is affected by this review.

Council's records suggest that NO part of your land meets the criteria for an environmental zoning. Please read on for further information.

What is the Northern Councils Environmental Zone Review?

The Minister for Planning and Infrastructure, in September 2012, announced a review of the application of environmental zones in Local Environmental Plans (LEPs) on the Far North Coast. The purpose of the review is to provide a balanced approach to environmental zonings on the Far North Coast, as well as greater certainty for landowners, councils and the community on how environmental zoning will be applied. The review applies to the local government areas of Ballina, Byron, Kyogle, Lismore and Tweed.

Environmental Zones - or 'E zones' - are designed to protect or manage land that is of important environmental value. These zones were removed from all Northern Rivers Councils' LEPs in 2012 pending the outcome of the review process. This has resulted in broad areas across Byron Shire being mapped as "Deferred Matter" (or DM) in Byron LEP 2014. This means that a land use zoning under Byron LEP 2014 has not been applied to all or part of your land, and consequently Byron LEP 1988 continues to apply to these areas.

What is the status of this review?

The State government released its *Northern Councils E Zone Review Final Recommendations Report (E zone Report)* in October 2015. It also released supporting legislation in March 2016 to ensure environmental zones are to be applied in accordance with the *E zone Report* recommendations. Council is now assessing the future zoning of "Deferred Matter" (or DM) areas under Byron LEP 2014, in accordance with the legislation.

How is Byron Shire Council implementing the review outcomes?

Council is committed to an open and transparent planning process for resolving deferred matter areas in Byron LEP 2014. This includes working with landowners to achieve agreed outcomes wherever possible. As the first stage of the assessment process Council is consulting with affected landowners to verify information relating to existing vegetation and primary use of the land. This will ensure the most up to date information is used to inform the future rezoning of affected land (the next stage).

The outcome of this process may result in some areas of the Shire being rezoned as E2 Environmental Conservation and/or E3 Environmental Management, while other areas that do not meet the *E zone*

Report criteria will have an alternative zone applied (most likely a rural zone) and any applicable mapped planning controls (known as "overlays").

What do Council's records identify for my property?

Council has undertaken a preliminary assessment to determine a possible zone for the DM area of your property. Based on Council's records your property is identified as being subject to a registered forestry or timber plantation agreement. Therefore **an E2 or E3 zone is NOT proposed over any part of your land.**

Council will investigate a suitable alternative zone (most likely a rural zone) for the DM area of your property as part of the next stage of the assessment process. You will be notified in writing and have an opportunity to provide feedback when the next stage commences.

Where can I go to find out more?

For further information about the E zone review process please go to Council's website at <http://www.byron.nsw.gov.au/environmental-zones-e-zones> .

If you feel the above assessment of your land is incorrect, or you require further assistance or advice regarding the E zone review process, please contact Council's Environmental and Economic Planning division on ph (02) 6626 7126, before **10 November 2017**.

Yours sincerely



Alex Caras | Land Use Planning Coordinator

Report No. 13.15 PLANNING - Update on Environmental Zone review and Planning Proposal implementation process
File No: I2018/99

18-186 Resolved that Council:

1. Note that land currently zoned under LEP 2014 (i.e. not Deferred Matter land) where the landowner received an E Zone notification letter but did not request an E Zone designation, will be excluded from further consideration under the E Zone review process.
2. Prepare Planning Proposal #1: (PP1) reflecting early agreements reached between landowners and Council staff on how environmental zones are to be applied and submit to the Department of Planning & Environment for Gateway determination.
3. Prepare Planning Proposal #2: (PP2) for:
 - (i) Deferred Matter areas that do not meet the criteria for an environmental zoning and will have a suitable rural zone applied (excluding LEP 1988 7(d) zoned land); or
 - (ii) Deferred Matter areas that currently have a residential, rural residential, commercial or industrial zoning in LEP 1988 that will transition to an equivalent LEP 2014 zone; or
 - (iii) reflecting further agreements reached between landowner and Council staff on how environmental zones are to be applied;
 and submit to the Department of Planning & Environment for Gateway determination.
4. Endorse the introduction of a new LEP 2014 zone, *RU6 Transition*, to be applied to land currently zoned 7(d) *Scenic Escarpment* LEP 1988 that does not meet the criteria for an environmental zoning.
5. Subject to Council's endorsement of the proposed *RU6 Transition Zone*, prepare and undertake an informal exhibition of the related *RU6* provisions for feedback from affected land owners who have not already agreed to this zone, and report the outcomes back to Council.
6. Receive a report on draft Planning Proposal #3: (PP3) for:
 - (i) Parcels where there is no agreement reached between the landowner and Council staff on proposed environmental zone/s; or
 - (ii) Deferred Matter areas that meet the criteria for an environmental zoning (in part or all) and where there has been no response from the landowner; or
 - (iii) remaining LEP 1988 7(d) zoned land to be zoned *RU6 Transition* (subject to Council endorsement).
 as soon as practical after Council's adoption of Planning Proposal #2.
7. Note that a further report on the use of mapped overlays as mechanism to protect environmental values will be provided to Council upon finalisation of the E zone Planning Proposals identified in Table 2.
8. Consider the allocation of \$50,000 as part of the forward budget process 2018/19 (alongside other Council program and budget priorities) to support a staged planning proposal program supported by robust community engagement to better inform the final E Zone Planning Proposal/s.

Appendix 4 – Gateway Determination

A copy of the Gateway determination will be included here.

Appendix 5 – Mapping

Land Parcel Identification Map:

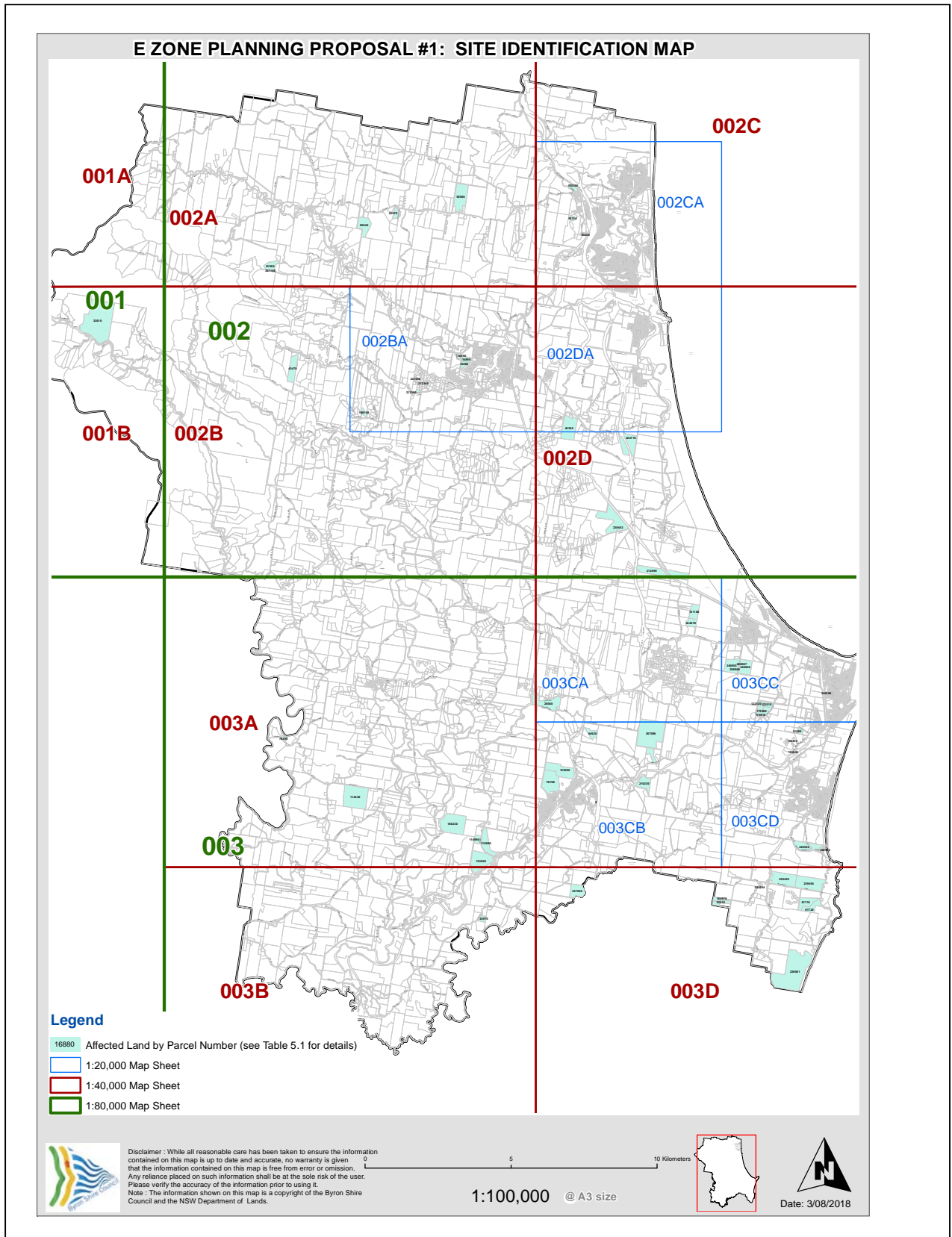


Table 5.1 Affected Land Parcel Details

Parcel Number	LOT	DP	STRATA	Street address	Street type	Suburb	Post code
16880	85	755722		36 Lomandra	Lane	MULLUMBIMBY	2482
16890	86	755722		35 Lomandra	Lane	MULLUMBIMBY	2482
16910	7	592712		11 Lomandra	Lane	MULLUMBIMBY	2482
24970	6	258426		143 Flowers	Road	BINNA BURRA	2479
25060	2	600576		111 Fowlers	Lane	BANGALOW	2479
31600	100	771493		23 Hamiltons	Lane	BYRON BAY	2481
33010	6	711063		526 Huonbrook	Road	HUONBROOK	2482
43470	2	563435		731 Left Bank	Road	MULLUMBIMBY CREEK	2482
46360	8	589795		53 McAuleys	Lane	MYOCUM	2482
52610	2	772757		183 Midgen Flat	Road	BROKEN HEAD	2481
64620	5	719871		1476 Hinterland	Way	BANGALOW	2479
76780	39	625255		75 Rifle Range	Road	BANGALOW	2479
78390	5	623564		304 Whian	Road	EUREKA	2480
81600	4	567117		261 Settlement	Road	MAIN ARM	2482
81710	2	599728		Seven Mile Beach	Road	BROKEN HEAD	2481
81720	3	599728		248 Seven Mile Beach	Road	BROKEN HEAD	2481
82970	1	598348		14 Sherringtons	Lane	THE POCKET	2483
92540	1	709703		833 The Pocket	Road	THE POCKET	2483
92900	4	569524		490 The Pocket	Road	THE POCKET	2483
93310	3	542323		The Tunnell	Road	BILLINUDGEL	2483
93400	448	39860		51 The Tunnell	Road	BILLINUDGEL	2483
105390	340	755687		171 Billinudgel	Road	BILLINUDGEL	2483
106230	1	123090		290 Binna Burra	Road	BINNA BURRA	2479
114240	22	604801		Eureka	Road	EUREKA	2480
114980	2	603009		824 Friday Hut	Road	BINNA BURRA	2479
115000	4	603009		911 Friday Hut	Road	BINNA BURRA	2479
121180	312	755695		Quarry	Lane	EWINGSDALE	2481
122510	267	755695		218 Skinners Shoot	Road	SKINNERS SHOOT	2481
122520	268	755695		218 Skinners Shoot	Road	SKINNERS SHOOT	2481
129300	4	803839		96 Granuaille	Road	BANGALOW	2479
153920	1	123850		4 Binna Burra	Road	BINNA BURRA	2479
155940	2	825140		135 Old Bangalow	Road	BYRON BAY	2481
175880	269	755695		218 Skinners Shoot	Road	SKINNERS SHOOT	2481
175890	270	755695		218 Skinners Shoot	Road	SKINNERS SHOOT	2481
175900	271	755695		218 Skinners Shoot	Road	SKINNERS SHOOT	2481
175910	272	755695		218 Skinners Shoot	Road	SKINNERS SHOOT	2481
184970	3	772757		183 Midgen Flat	Road	BROKEN HEAD	2481
190410	200	836483		114 Old Bangalow	Road	BYRON BAY	2481
198140	33	845578		60 Alidenes	Road	WILSONS CREEK	2482

Byron Shire Council

Parcel Number	LOT	DP	STRATA	Street address	Street type	Suburb	Post code
210230	5	860151		636 Coopers Shoot	Road	COOPERS SHOOT	2481
212690	27	858323		246 Woodford	Lane	EWINGSDALE	2481
213300	4	865388		11 Tristran	Parade	MULLUMBIMBY CREEK	2482
213340	8	865388		22 Tristran	Parade	MULLUMBIMBY CREEK	2482
221050	13	880189		50 Tristran	Parade	MULLUMBIMBY CREEK	2482
224670	4	111821		Quarry	Lane	EWINGSDALE	2481
224710	33	881231		78 Tandys	Lane	BRUNSWICK HEADS	2483
237969	PT6	1022871		Lawlers	Lane	BANGALOW	2479
238081	1	1031848		951 Broken Head	Road	BROKEN HEAD	2481
238463	1	1041998		174 Tyagarah	Road	TYAGARAH	2481
239455	5	1074790		93 Blackbutt	Lane	BROKEN HEAD	2481
239456	6	1074790		95 Blackbutt	Lane	BROKEN HEAD	2481
240562	2	1131866		139 Broken Head Reserve	Road	BROKEN HEAD	2481
240566			81554	137 Broken Head Reserve	Road	BROKEN HEAD	2481
240606			81566	11 Constellation	Close	BYRON BAY	2481
240855	10	1143215		50 Melaleuca	Drive	BYRON BAY	2481
240856	11	1143215		53 Melaleuca	Drive	BYRON BAY	2481
241054	25	1150624		13 Armstrong	Lane	BROKEN HEAD	2481
267086	12	1188023		56 St Helena	Road	MCLEODS SHOOT	2479
267106	1	1189358		261 Settlement	Road	MAIN ARM	2482
268967	1	1237582		50 Melaleuca	Drive	BYRON BAY	2481
268968	2	1237582		53 Melaleuca	Drive	BYRON BAY	2481

Land Zoning Maps

Equivalent Zones Reference Table for Byron LEP 1988 and LEP 2014

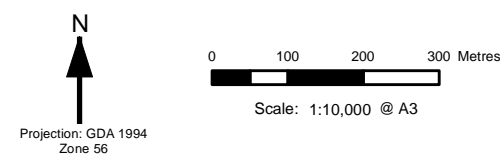
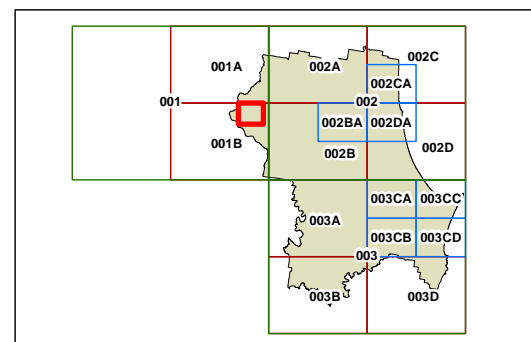
Byron LEP 1988 ZONES	Byron LEP 2014 ZONES
2(a) (Residential)	R2 – Low Density Residential, R3 – Medium Density Residential
1(c1) Small Holdings 1(c2) Small Holdings	R5 – Large Lot Residential
1(b1) (Agricultural protection) 1(b2) (Agricultural protection) 1(e) (Extractive Resources)	RU1 – Primary Production
1(a) (General Rural)	RU2 - Rural Landscape
1(f) (Forestry)	RU3 - Forestry
2(v) (Village)	RU5 - Village
3(a) (Business)	B1 – Neighbourhood Centre B2 – Local Centre B4 – Mixed Use
4(a) (Industrial)	IN1 – General Industrial
4(a) (Industrial)	IN2 – Light Industrial B7 – Business Park
5(a) (Special Purposes)	SP1 – Special Activities SP2 - Infrastructure
2(f) (Tourist Area)	SP3 - Tourist
6(a) (Open space)	RE1 – Public Recreation
6(b) (Private Open Space)	RE2 – Private Recreation
8(a) (National Parks and Nature Reserve)	E1 – National Parks and Reserves
7(a) (Wetlands) 7(b) (Coastal habitats) 7(f1) (Coastal lands) 7(j) (Scientific) 7(k) (Habitat) 5(b) (High Hazard Flood Liable)	E2 – Environment Conservation
7(c) (Water Catchment) 7(d) (Scientific Escarpment)	E3 – Environmental Management



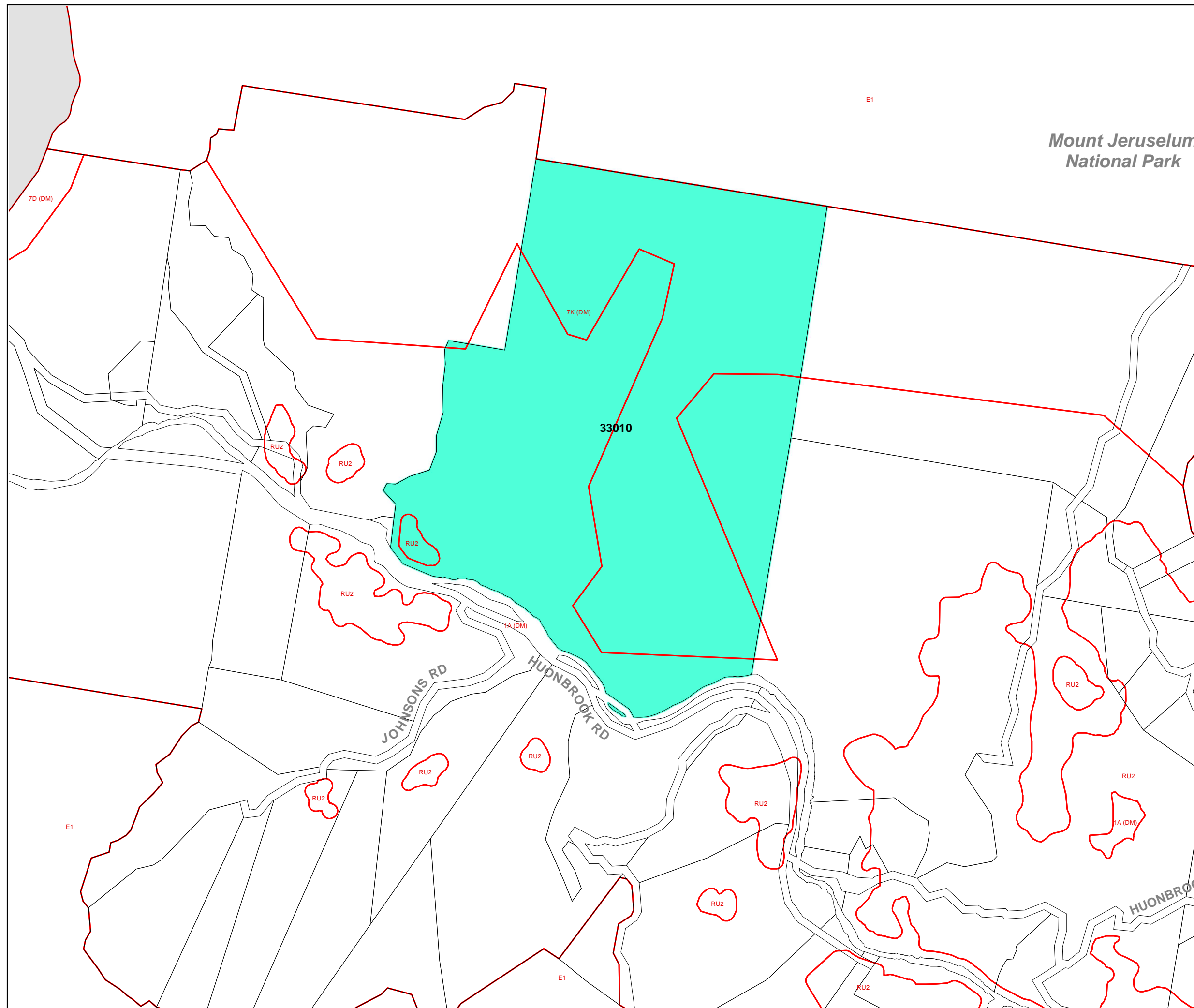
Byron Local Environmental Plan 2014 (Gateway)

Existing Zones - Sheet LZN_001B

- Land Parcels
- Existing zoning
- Affected Land Parcels



Date: 31/07/2018





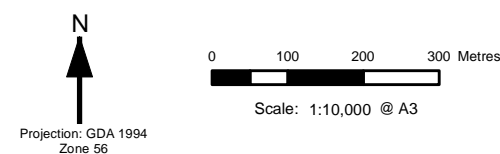
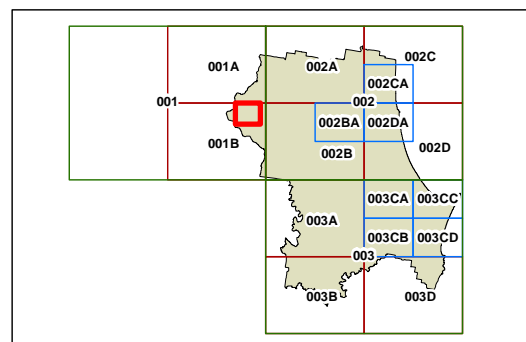
Byron Local Environmental Plan 2014 (Gateway)

Proposed Zoning Map
- Sheet LZN_001B

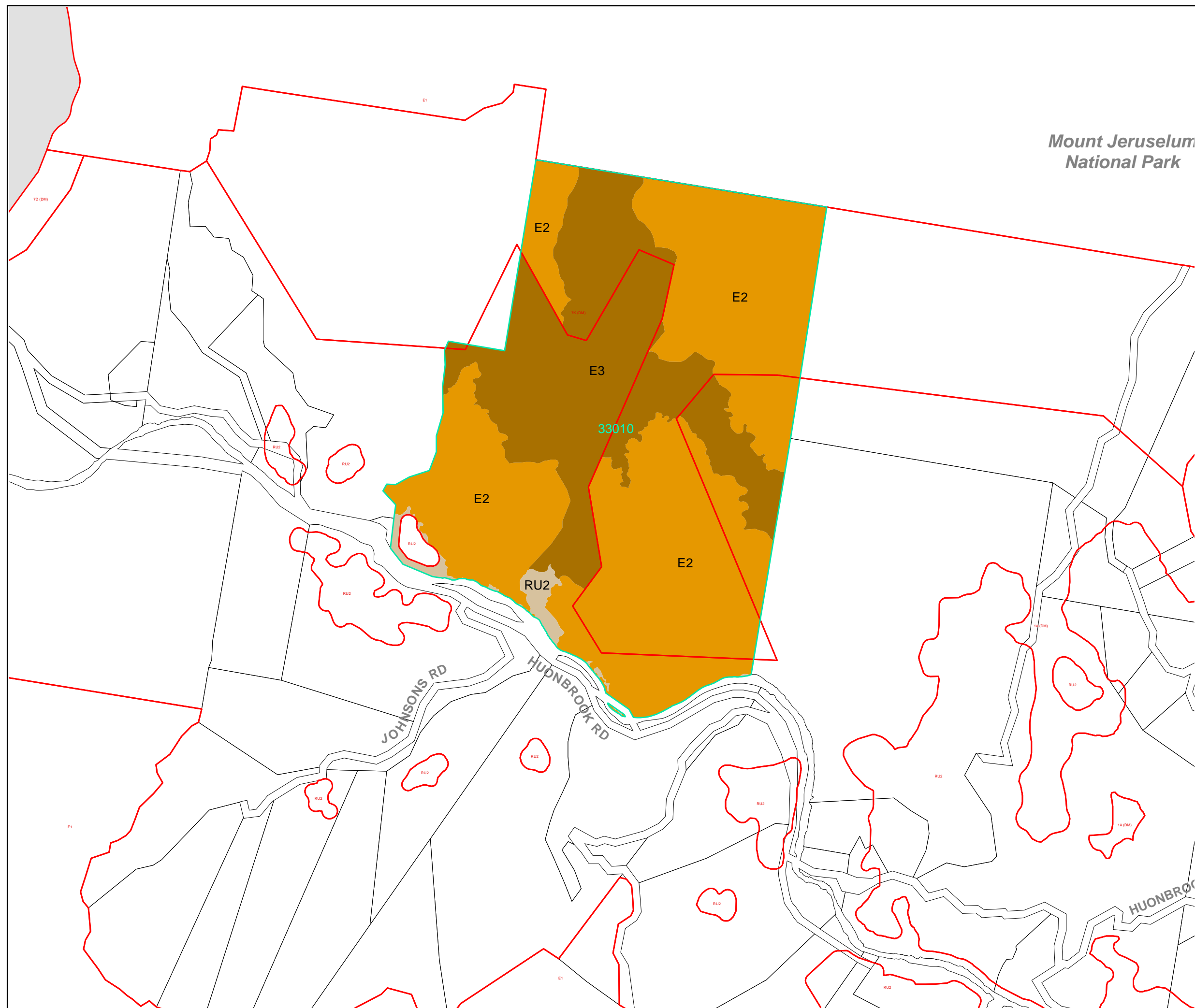
- Affected Land
- Existing zone boundary
- Land Parcels

Zone

- E2 Environmental Conservation
- E3 Environmental Management
- R2 Low Density Residential
- R5 Large Lot Residential
- RU1 Primary Production
- RU2 Rural Landscape
- SP1 Mixed Use Development
- SP3 Tourist



Date: 29/06/2018

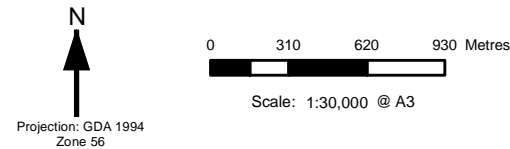
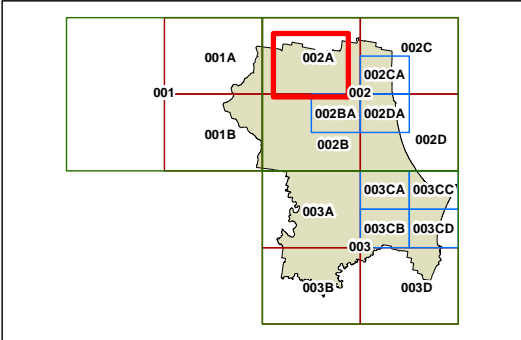
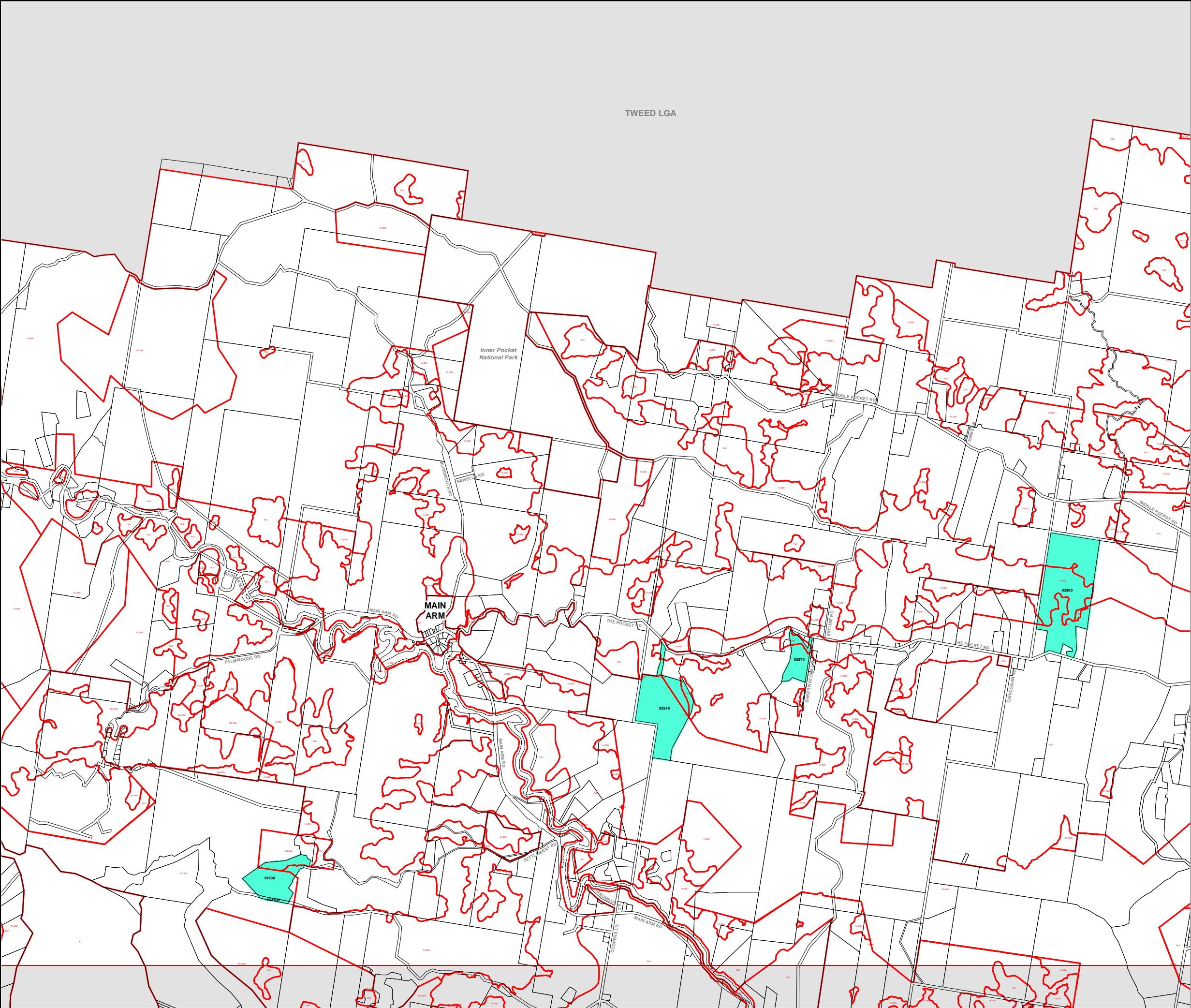




**Byron Local
Environmental
Plan 2014
(Gateway)**

Existing Zones - Sheet LZN_002A

- Land Parcels
- Existing zoning
- Affected Land Parcels



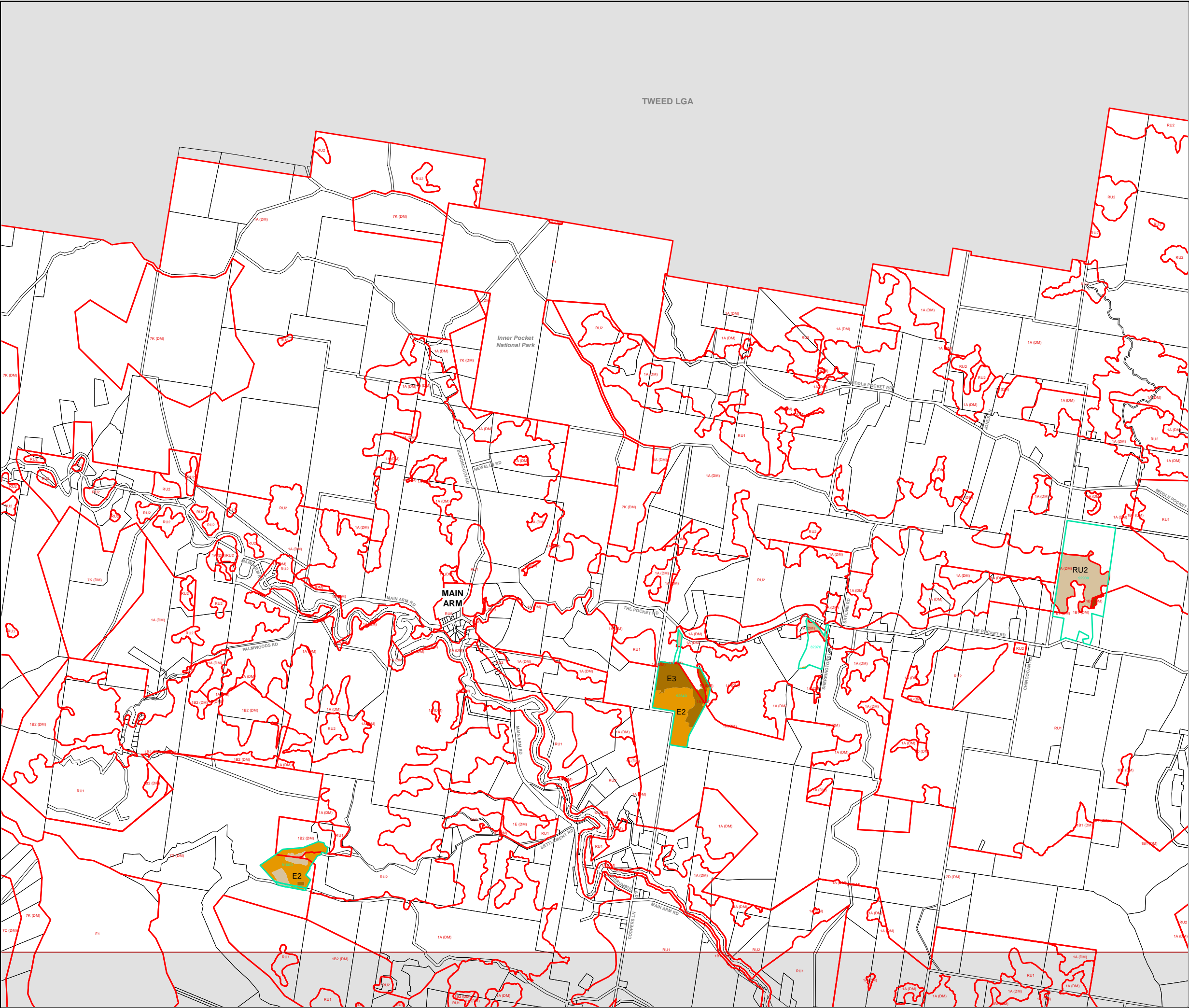
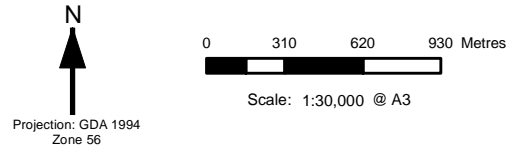
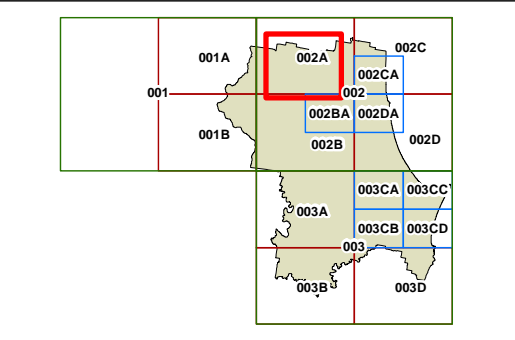


**Byron Local
Environmental
Plan 2013
(Gateway)**

**Proposed Zoning Map
- Sheet LZN_002A**

- Affected Land
 Existing zone boundary
 Land Parcels

- Zone**
- E2** Environmental Conservation
 - E3** Environmental Management
 - R2** Low Density Residential
 - R5** Large Lot Residential
 - RU1** Primary Production
 - RU2** Rural Landscape
 - SP1** Mixed Use Development
 - SP3** Tourist

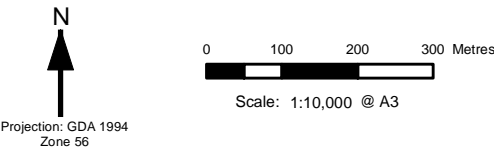
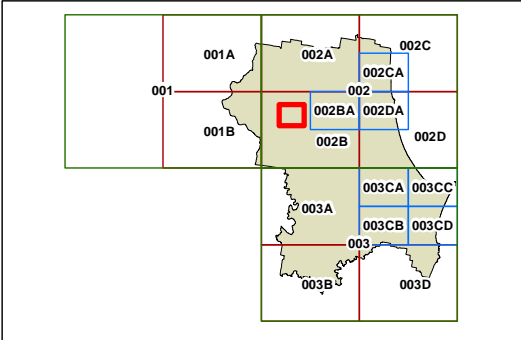
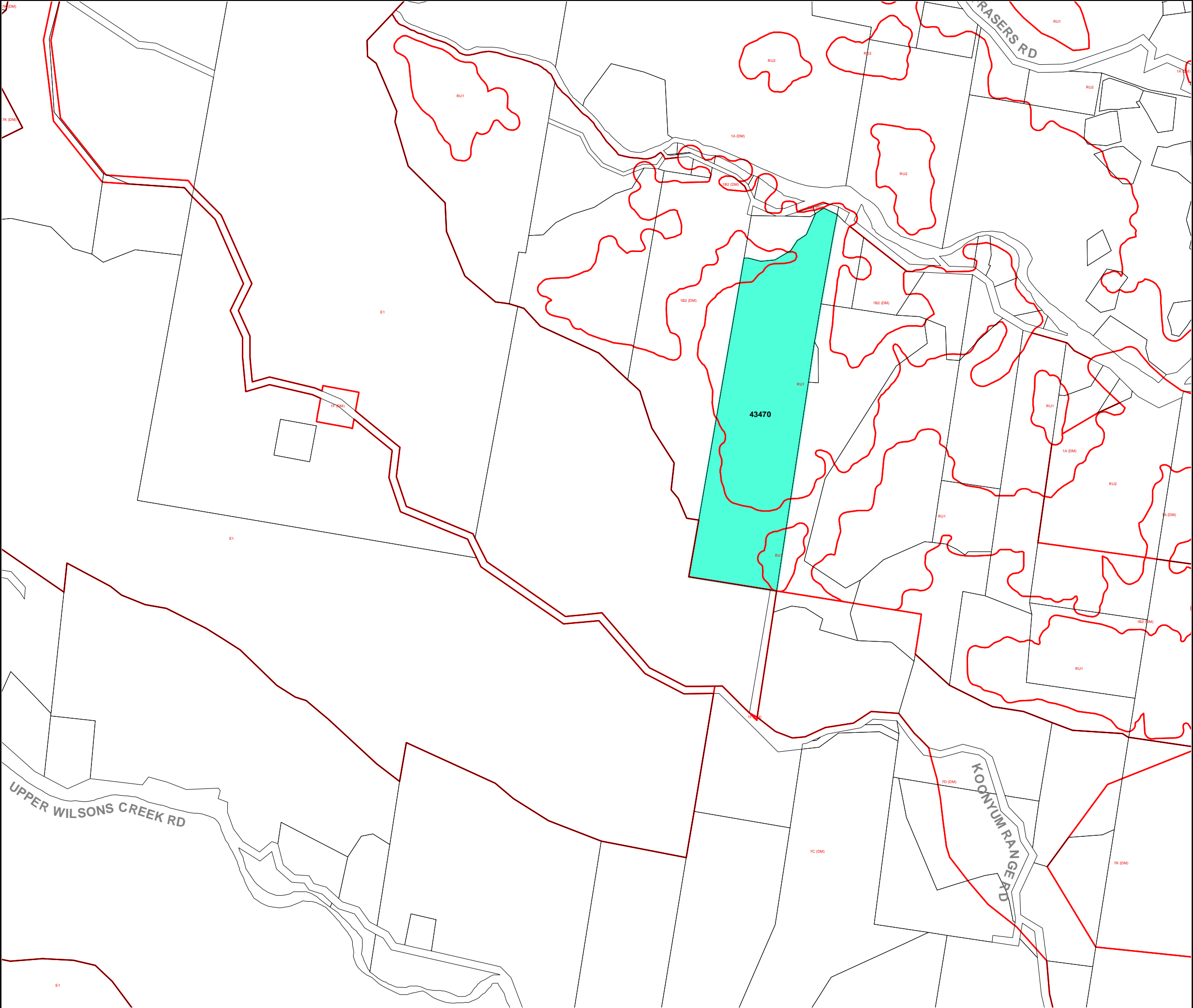




**Byron Local
Environmental
Plan 2014
(Gateway)**

Existing Zones - Sheet LZN_002B

- Land Parcels
- Existing zoning
- Affected Land Parcels



Date: 31/07/2018



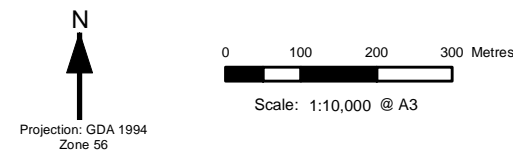
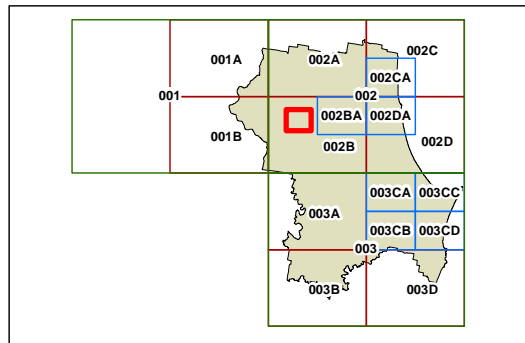
Byron Local Environmental Plan 2014 (Gateway)

Proposed Zoning Map - Sheet LZN_002B

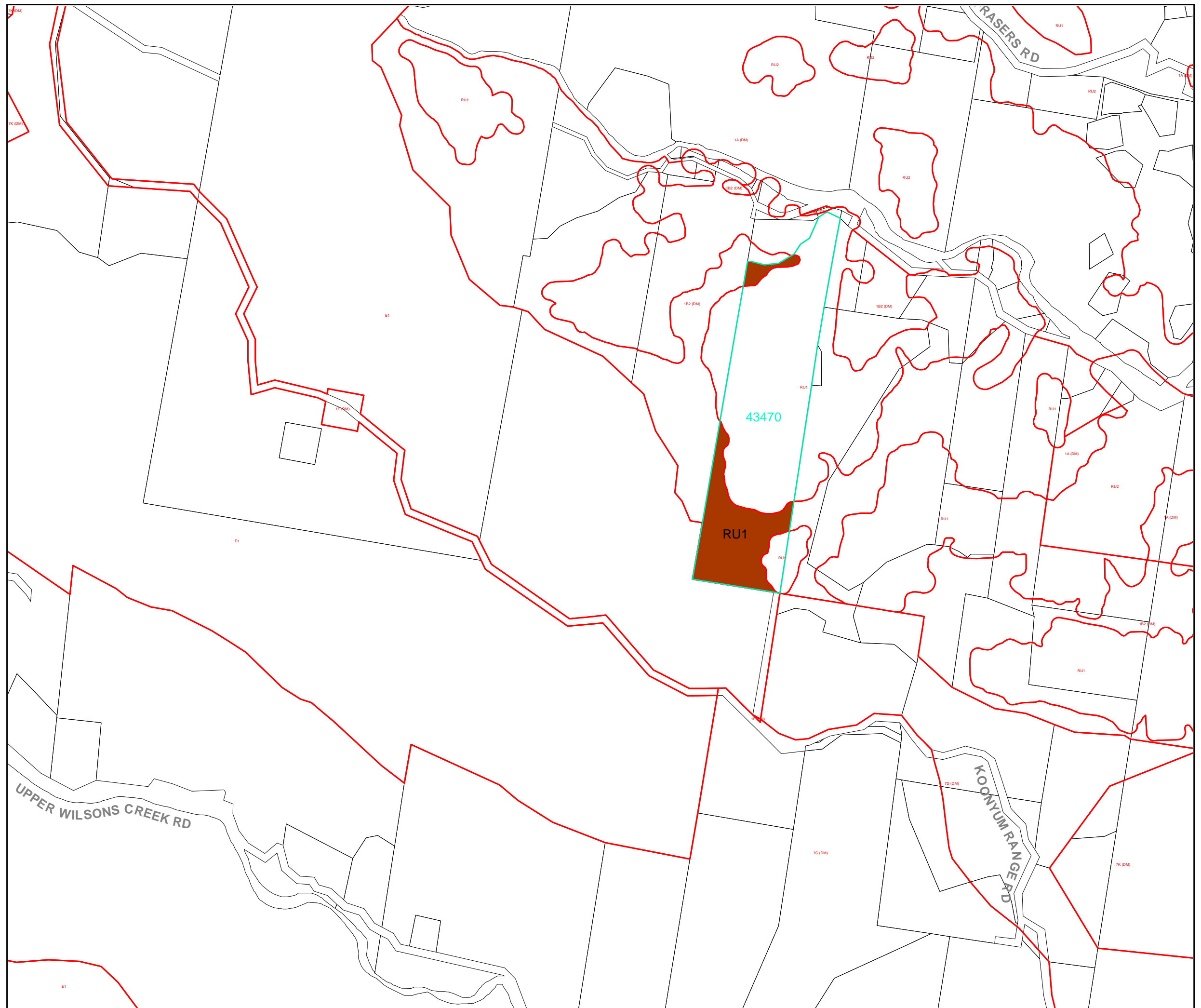
- Affected Land
- Existing zone boundary
- Land Parcels

Zone




- E2 Environmental Conservation
- E3 Environmental Management
- R2 Low Density Residential
- R5 Large Lot Residential
- RU1 Primary Production
- RU2 Rural Landscape
- SP1 Mixed Use Development
- SP3 Tourist

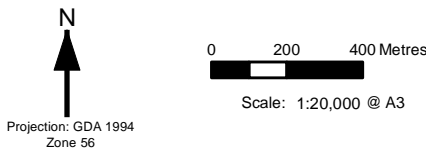
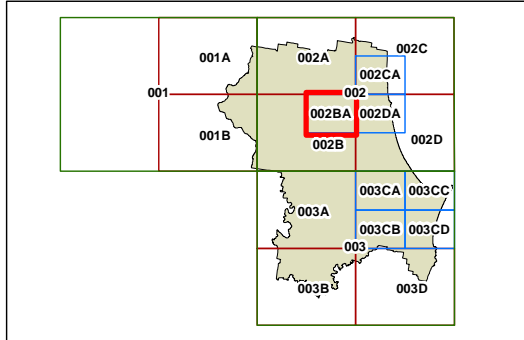


Date: 29/06/18

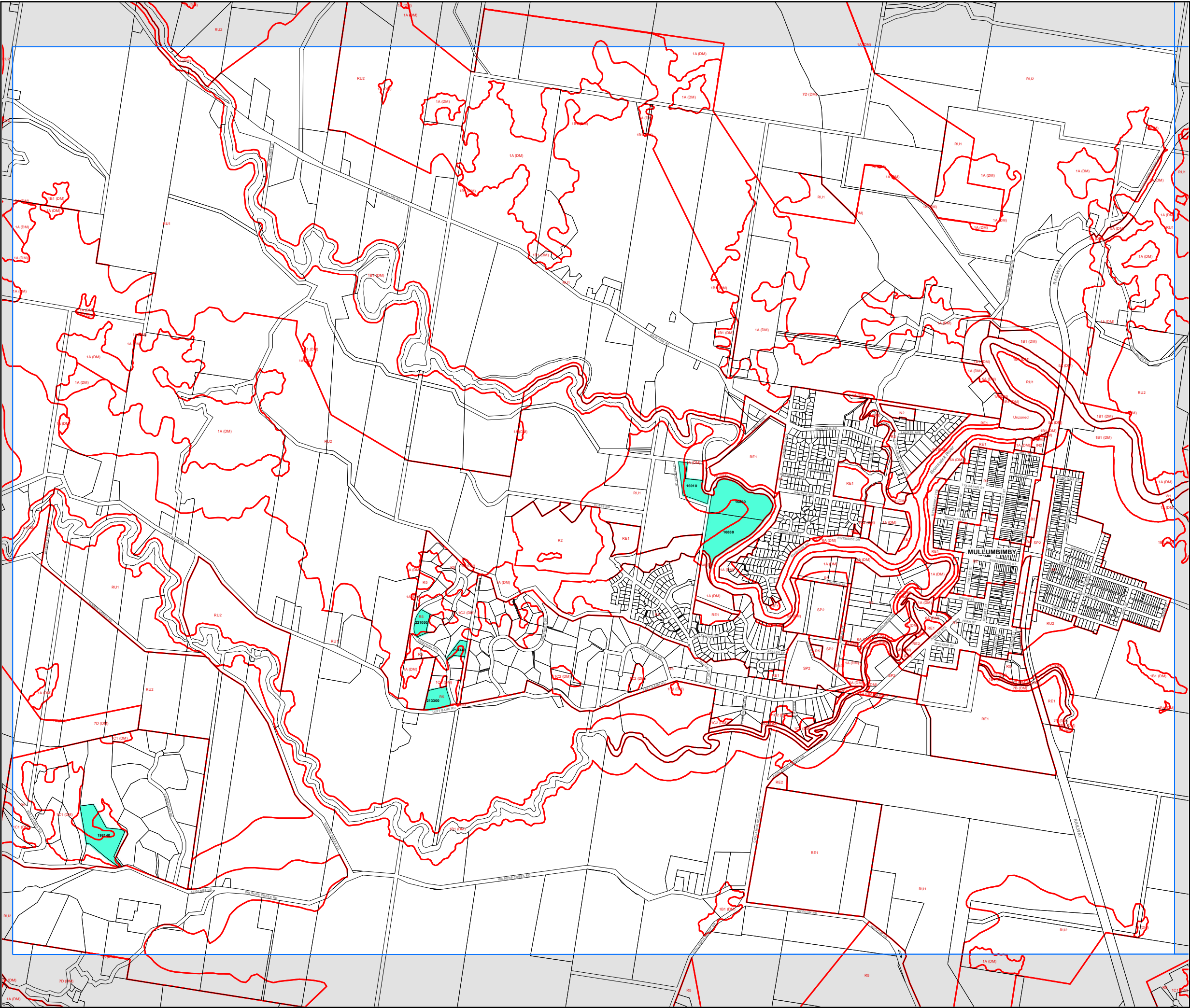




 Land Parcels
 Existing zoning
 Affected Land Parcels



Date: 2/08/2018



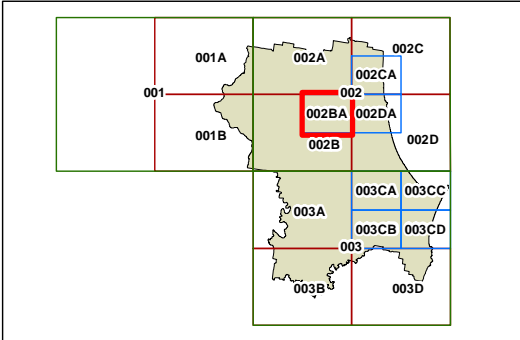


**Byron Local
Environmental
Plan 2014
(Gateway)**

**Proposed Zoning Map
- Sheet LZN_002BA**

- Affected Land
- Existing zone boundary
- Land Parcels

- Zone**
- E2 Environmental Conservation
 - E3 Environmental Management
 - R2 Low Density Residential
 - R5 Large Lot Residential
 - RU1 Primary Production
 - RU2 Rural Landscape
 - SP1 Mixed Use Development
 - SP3 Tourist

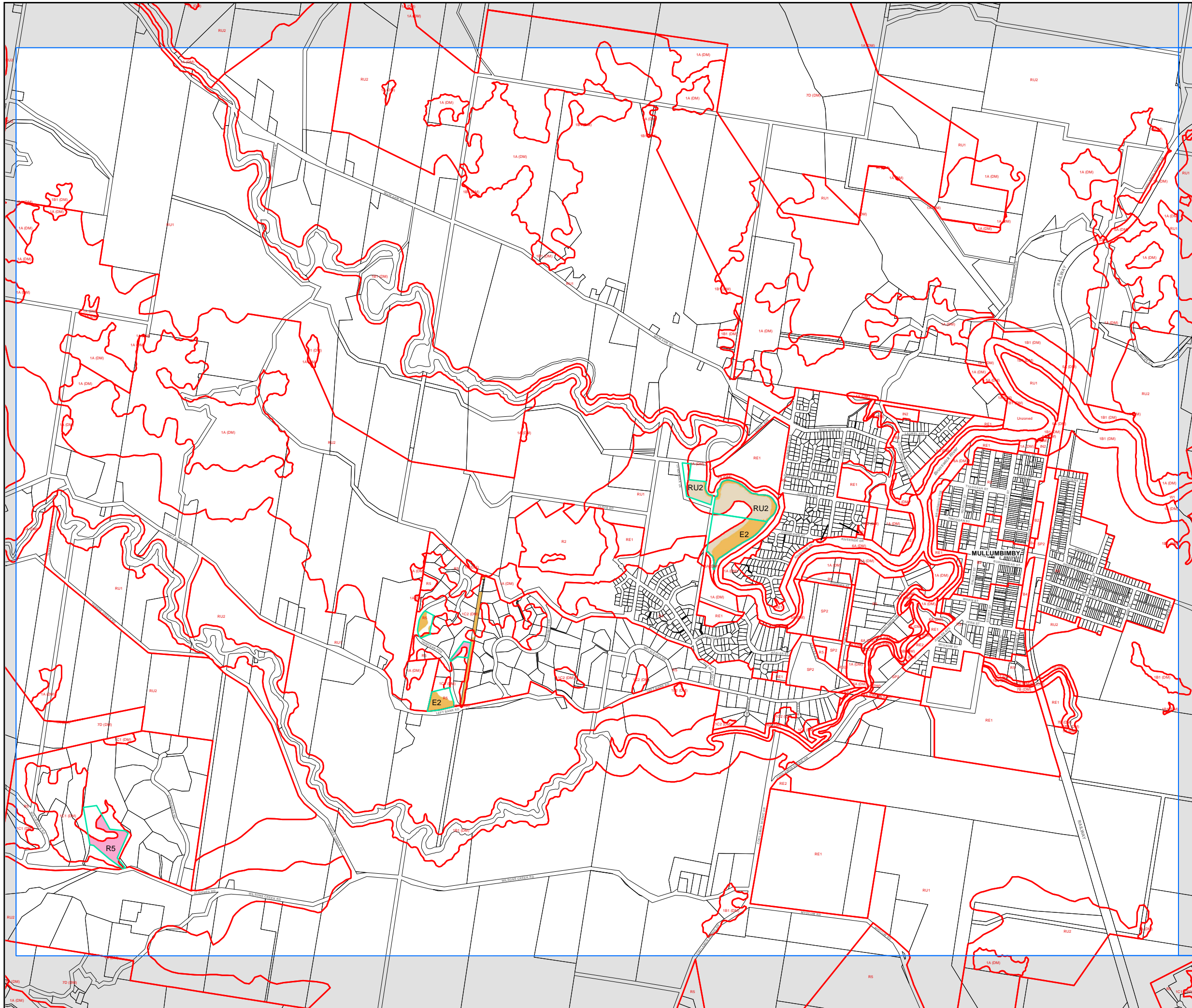


0 200 400 Metres

Scale: 1:20,000 @ A3

Projection: GDA 1994
Zone 56

Date: 29/06/18

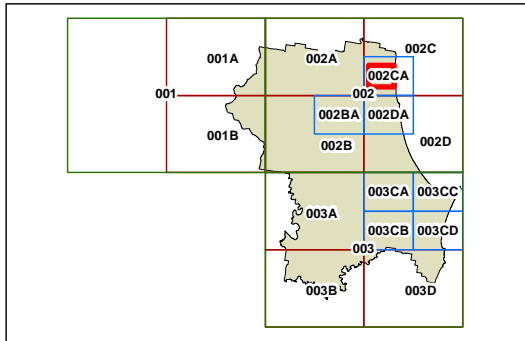
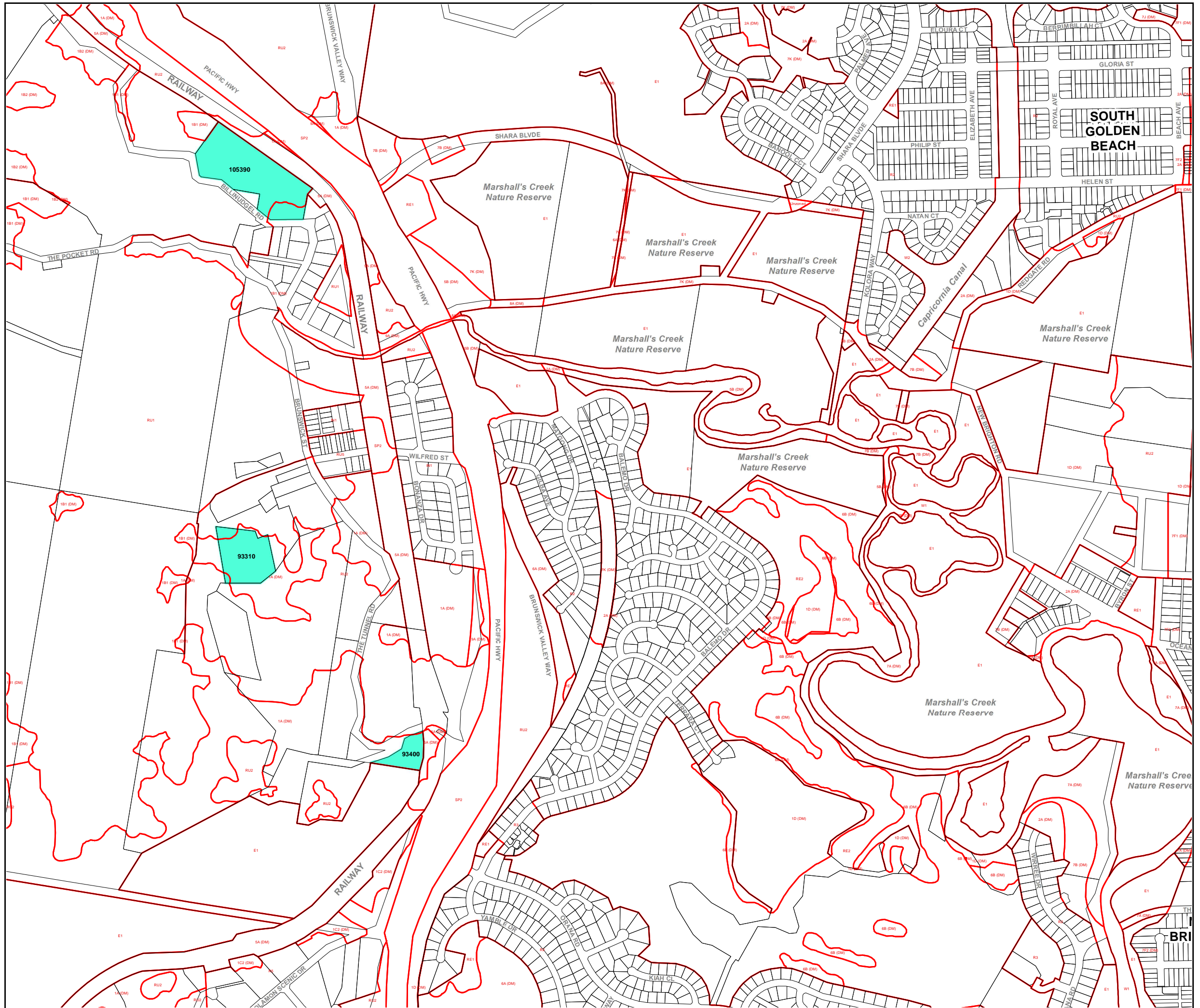




Byron Local Environmental Plan 2014 (Gateway)

Existing Zones - Sheet LZN_002CA

- Land Parcels
- Existing zoning
- Affected Land Parcels



0 100 200 300 Metres

Scale: 1:10,000 @ A3

Projection: GDA 1994
Zone 56

Date: 31/07/2018



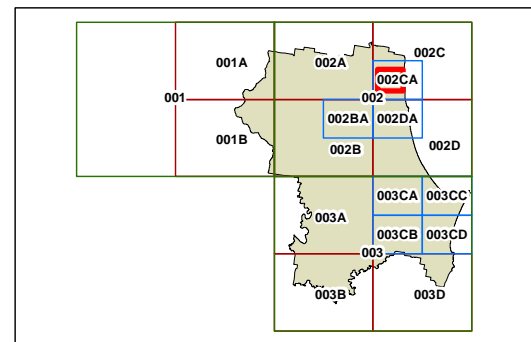
Byron Local Environmental Plan 2014 (Gateway)

Proposed Zoning Map - Sheet LZN_002CA

- Affected Land
- Existing zone boundary
- Land Parcels

Zone

- E2 Environmental Conservation
- E3 Environmental Management
- R2 Low Density Residential
- R5 Large Lot Residential
- RU1 Primary Production
- RU2 Rural Landscape
- SP1 Mixed Use Development
- SP3 Tourist

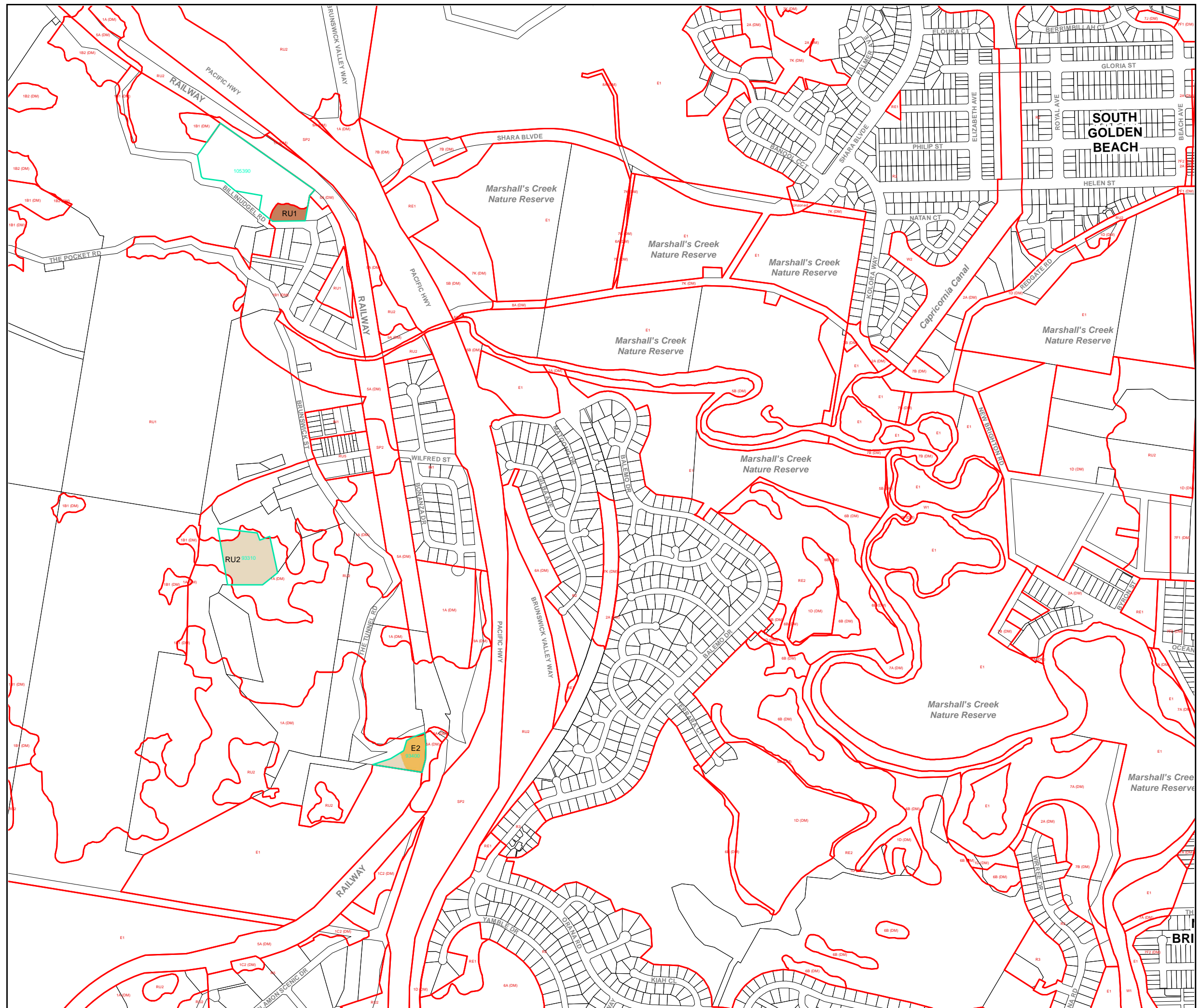


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Scale: 1:10,000 @ A3

Projection: GDA 1994
Zone 56

Date: 29/06/2018

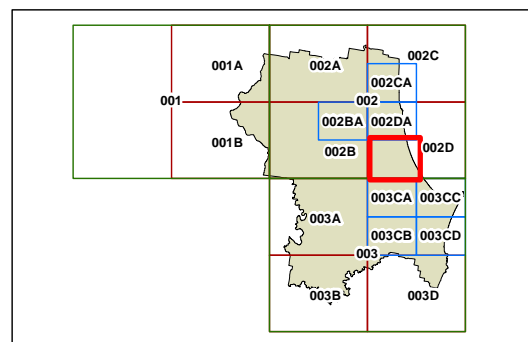
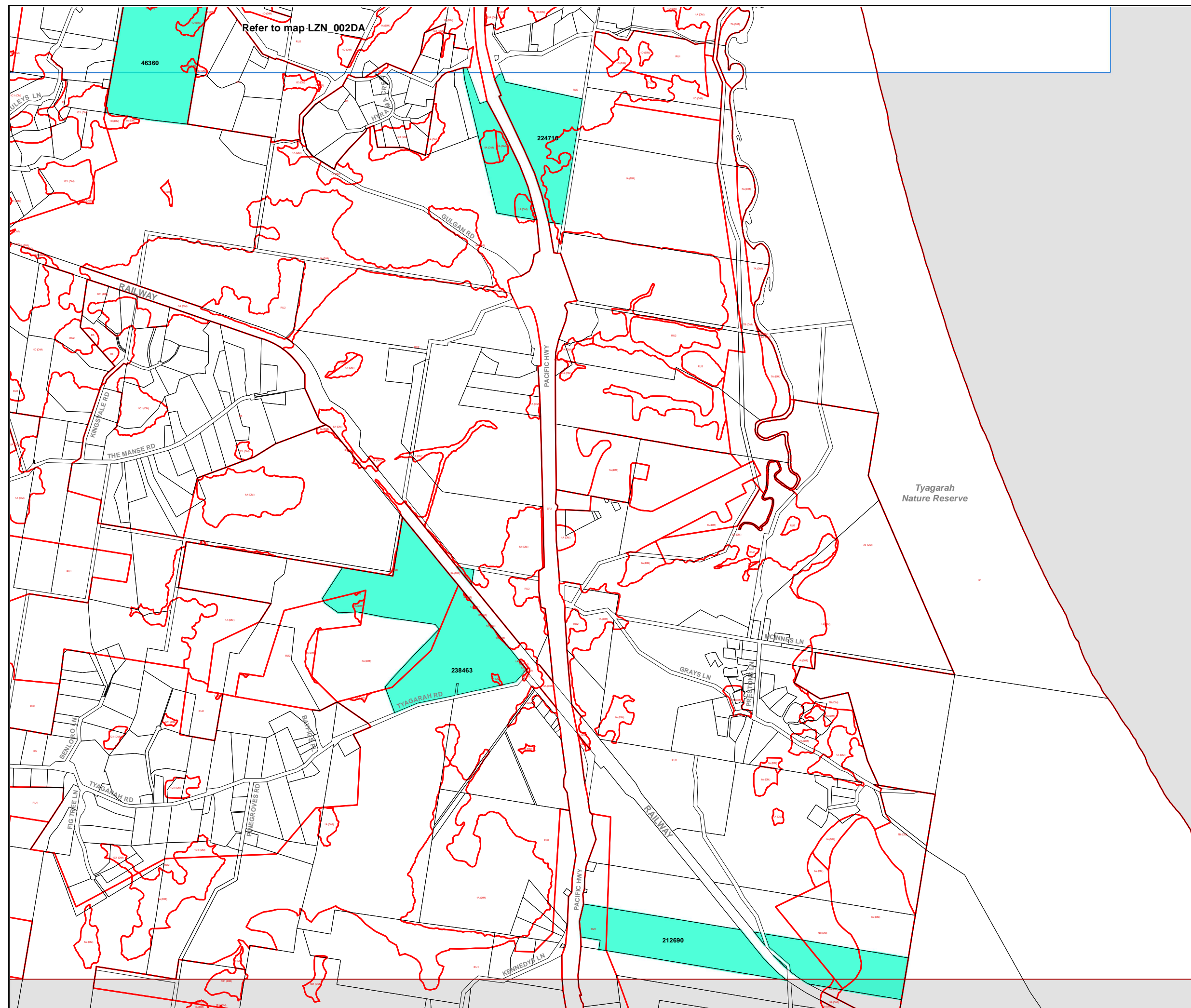




Byron Local Environmental Plan 2014 (Gateway)

Existing Zones - Sheet LZN_002D

- Land Parcels
- Existing zoning
- Affected Land Parcels



Date: 31/07/2018



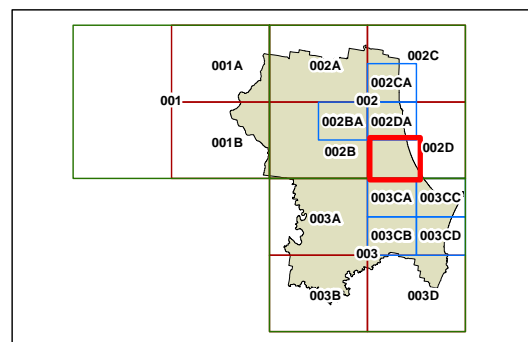
Byron Local Environmental Plan 2014 (Gateway)

Proposed Zoning Map - Sheet LZN_002D

- Affected Land
- Existing zone boundary
- Land Parcels

Zone

- E2 Environmental Conservation
- E3 Environmental Management
- R2 Low Density Residential
- R5 Large Lot Residential
- RU1 Primary Production
- RU2 Rural Landscape
- SP1 Mixed Use Development
- SP3 Tourist

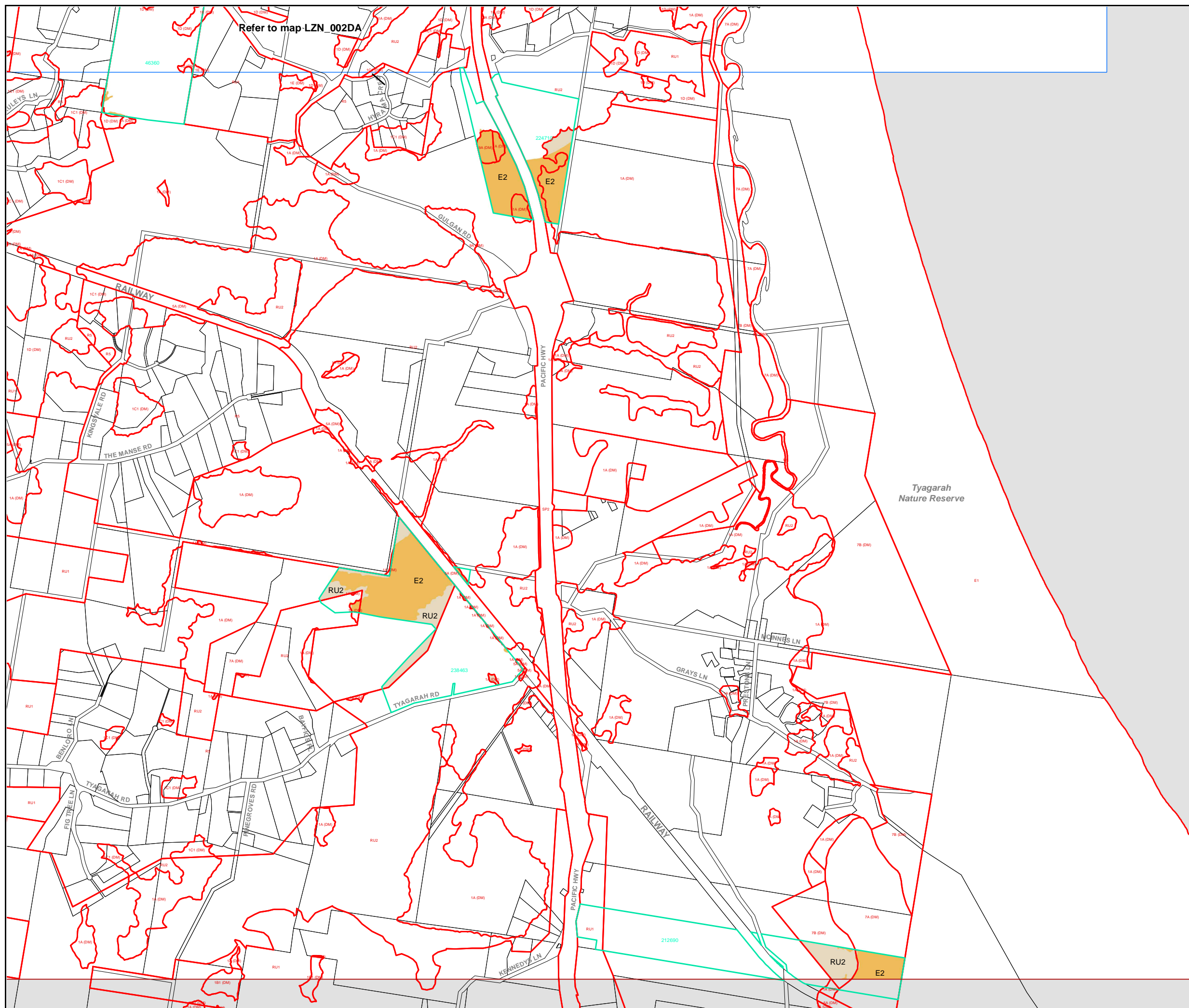


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Scale: 1:20,000 @ A3

Projection: GDA 1994
Zone 56

Date: 29/06/2018

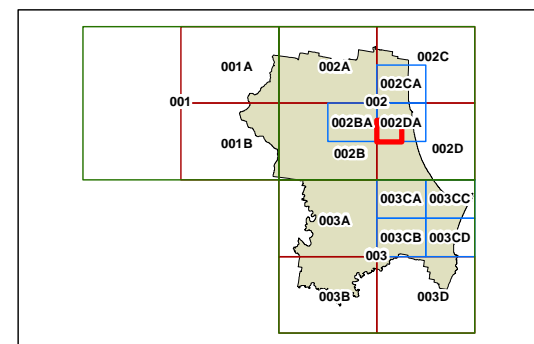




Byron Local Environmental Plan 2014 (Gateway)

Existing Zones - Sheet LZN_002DA

- Land Parcels
- Existing zoning
- Affected Land Parcels

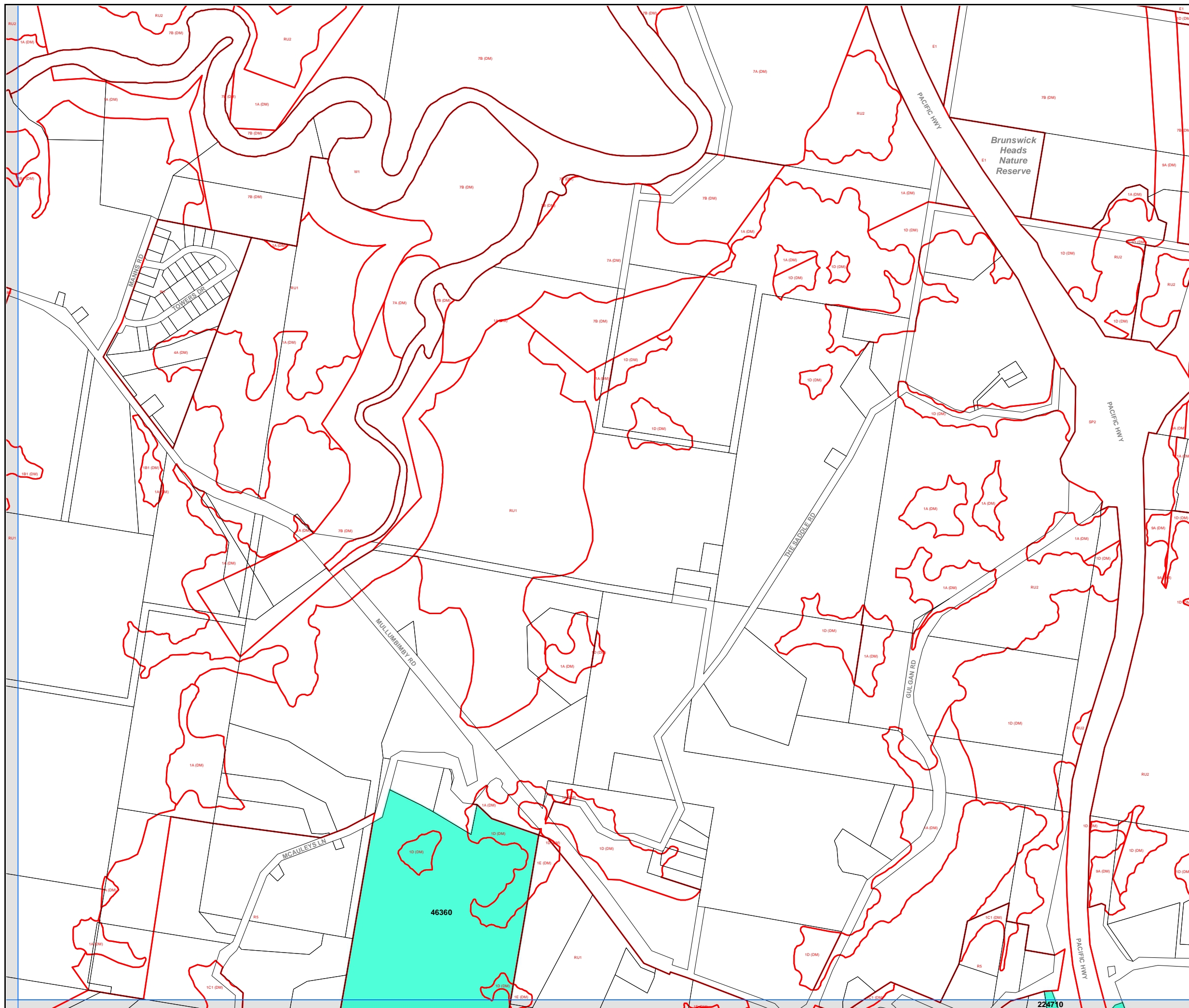


Projection: GDA 1994
Zone 56

0 100 200 300 Metres

Scale: 1:10,000 @ A3

Date: 31/07/2018





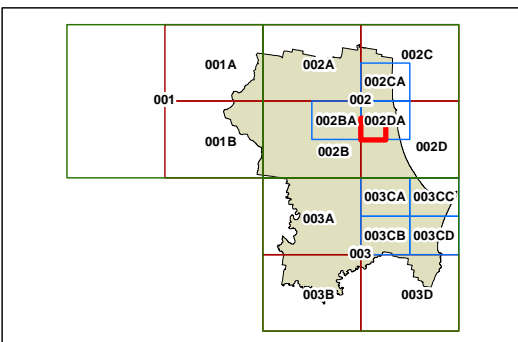
Byron Local Environmental Plan 2014 (Gateway)

Proposed Zoning Map - Sheet LZN_002DA

- Affected Land
- Existing zone boundary
- Land Parcels

Zone

- E2 Environmental Conservation
- E3 Environmental Management
- R2 Low Density Residential
- R5 Large Lot Residential
- RU1 Primary Production
- RU2 Rural Landscape
- SP1 Mixed Use Development
- SP3 Tourist

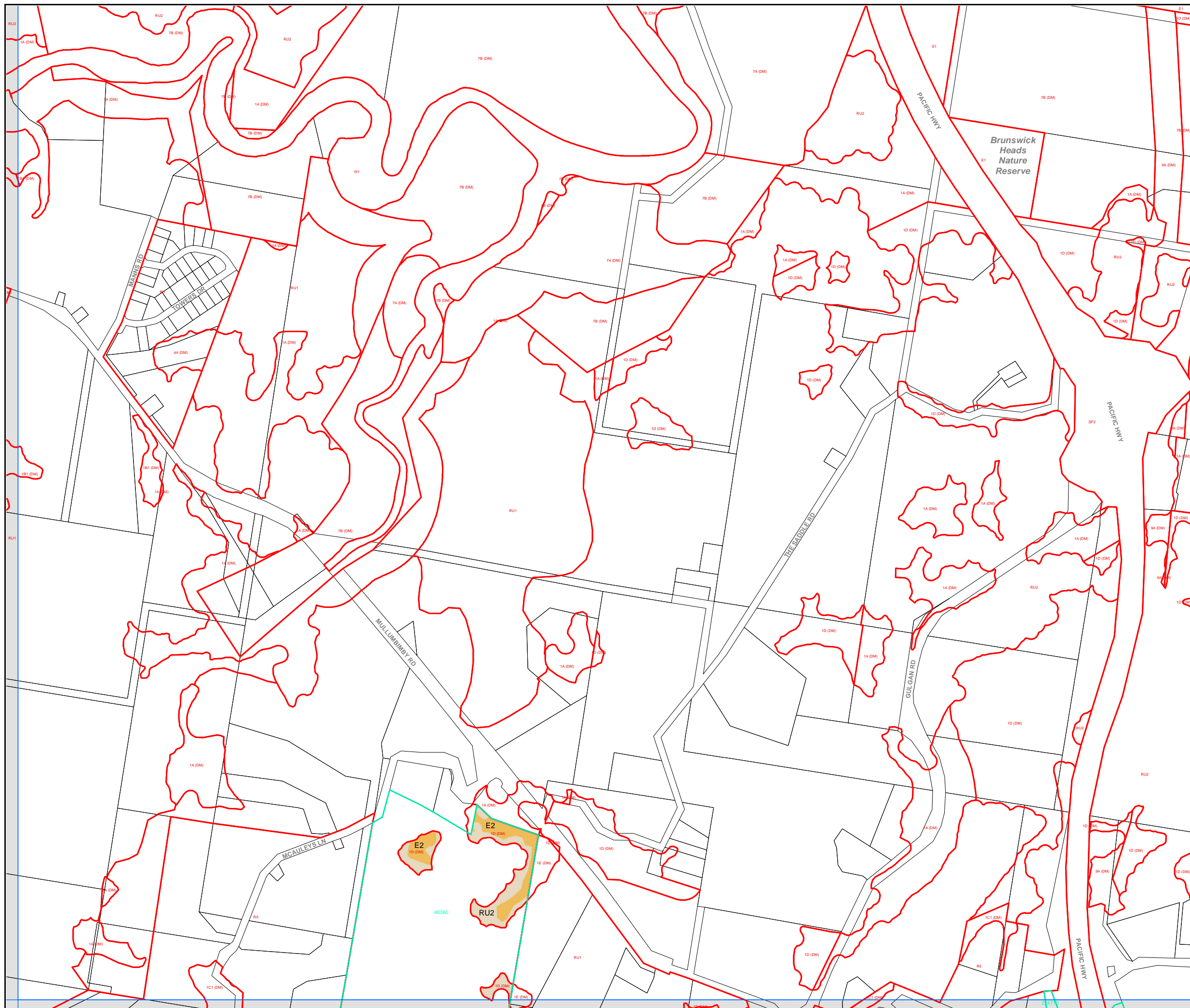


Projection: GDA 1994
Zone 56

0 100 200 300 Metres

Scale: 1:10,000 @ A3

Date: 31/07/2018

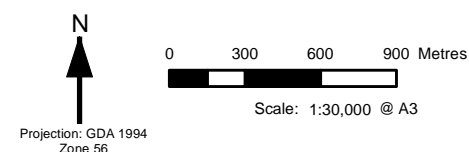
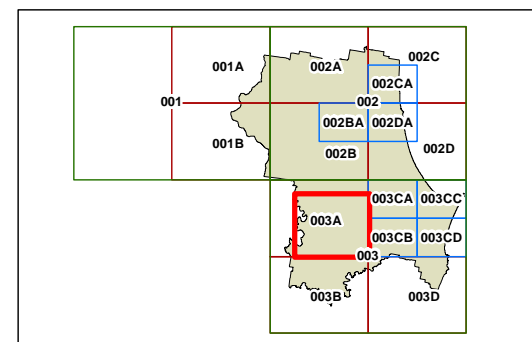




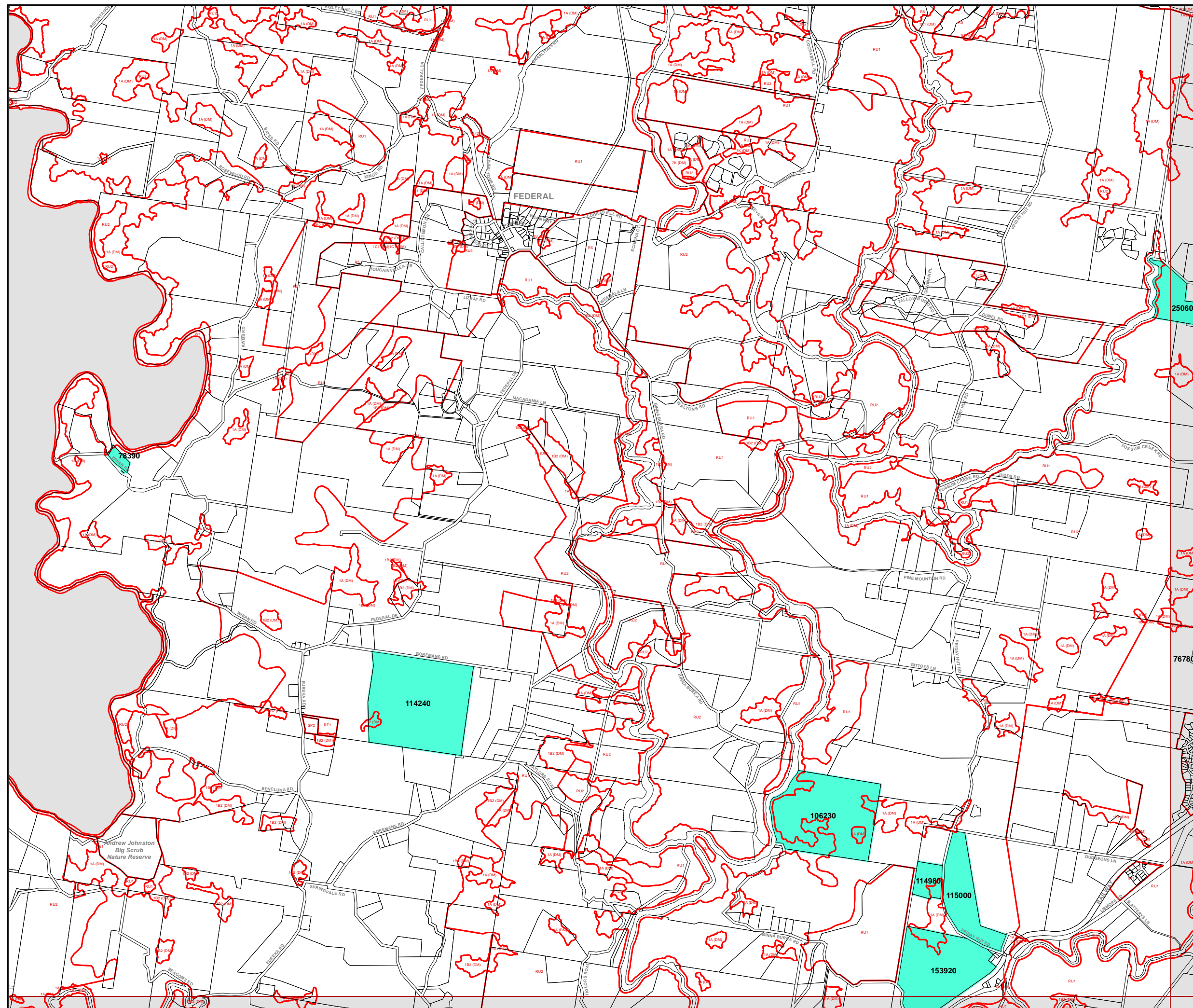
Byron Local Environmental Plan 2014 (Gateway)

Existing Zones - Sheet LZN_003A

- Land Parcels
- Existing zoning
- Affected Land Parcels



Date: 31/07/2018



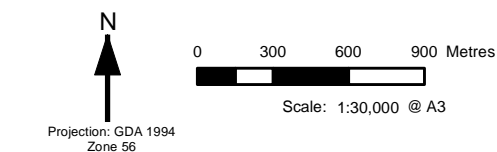
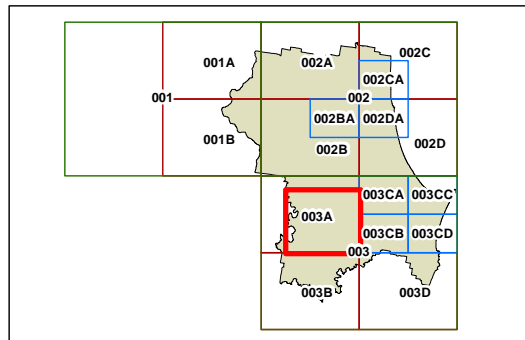


Byron Local Environmental Plan 2014 (Gateway)

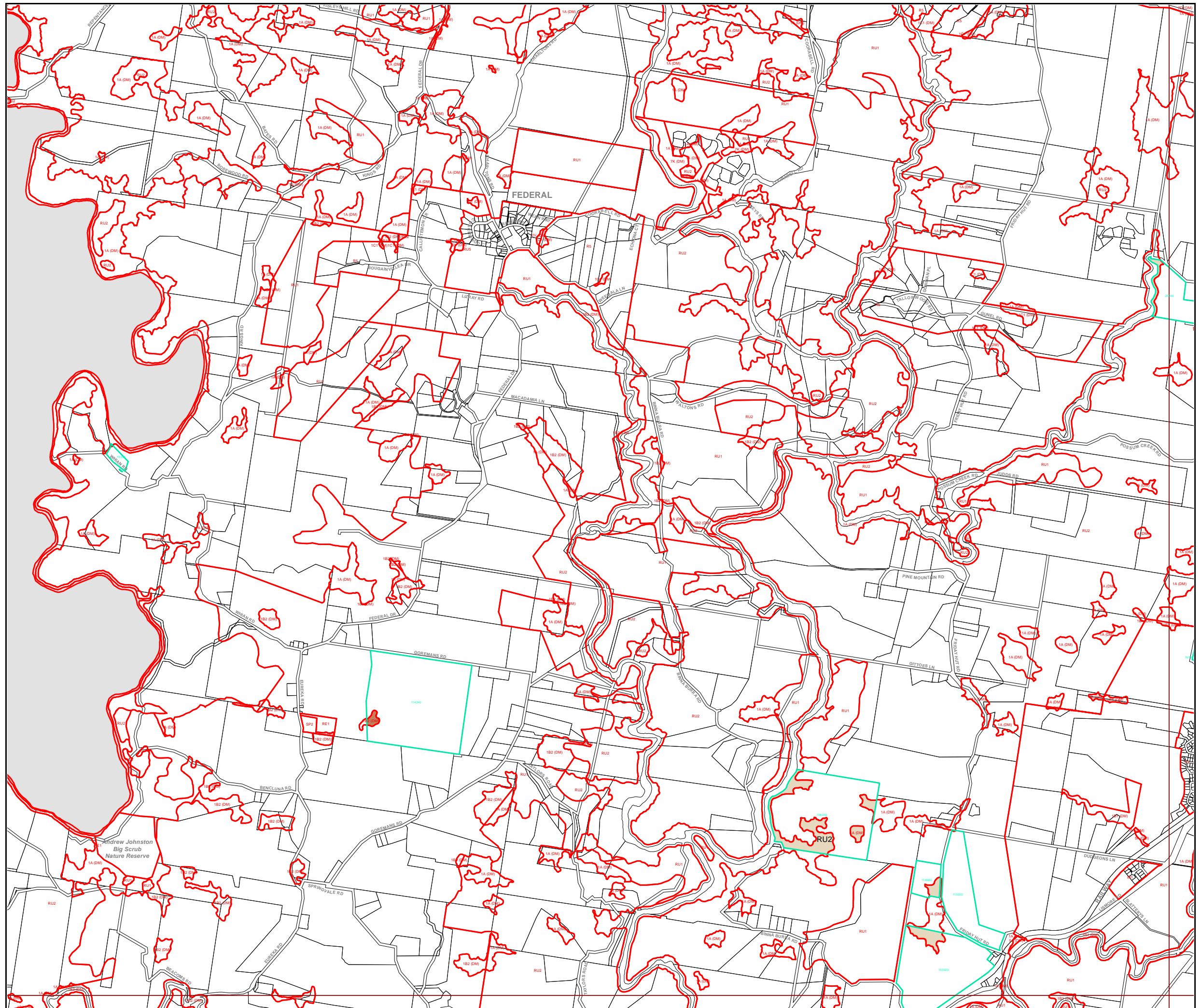
Proposed Zoning Map - Sheet LZN_003A

- Affected Land
- Existing zone boundary
- Land Parcels

- Zone**
- E2 Environmental Conservation
 - E3 Environmental Management
 - R2 Low Density Residential
 - R5 Large Lot Residential
 - RU1 Primary Production
 - RU2 Rural Landscape
 - SP1 Mixed Use Development
 - SP3 Tourist






Date: 31/07/2018

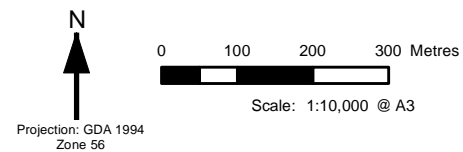
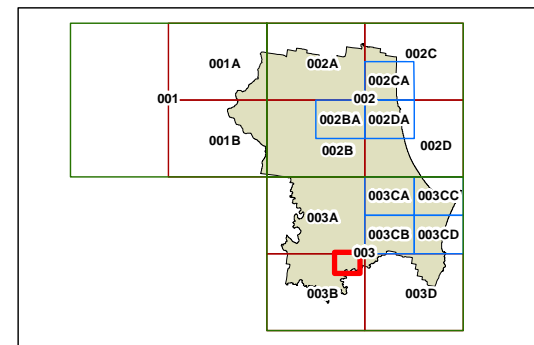




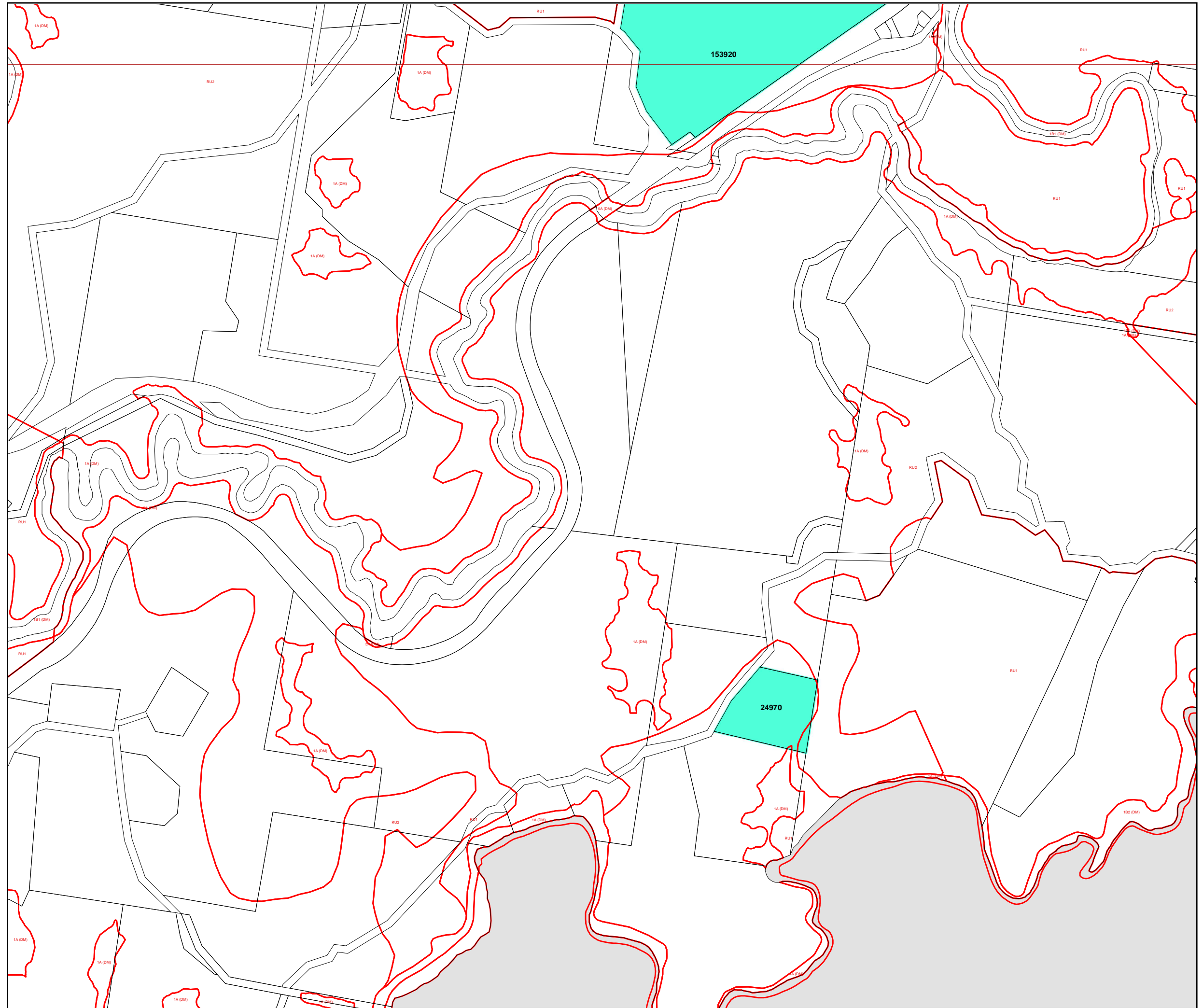
Byron Local Environmental Plan 2014 (Gateway)

Existing Zones - Sheet LZN_003B

-  Land Parcels
-  Existing zoning
-  Affected Land Parcels






Date: 2/08/2018



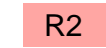







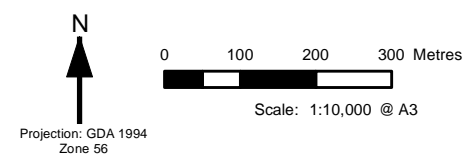
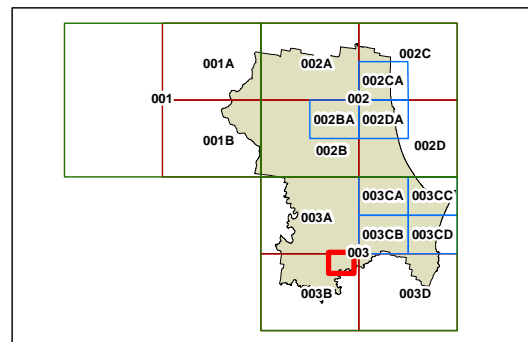


Byron Local Environmental Plan 2014 (Gateway)

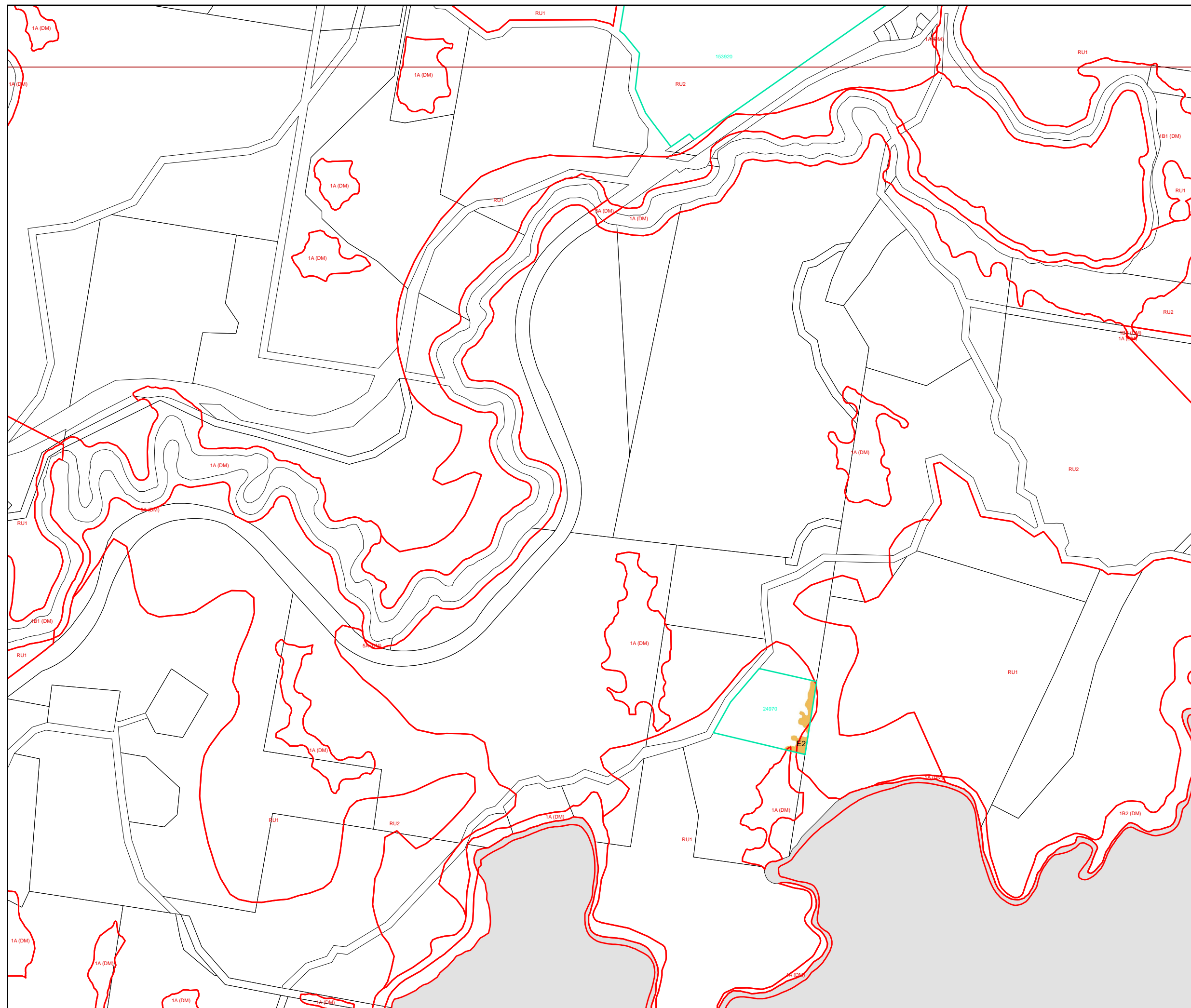
Proposed Zoning Map - Sheet LZN_003B

-  Affected Land
-  Existing zone boundary
-  Land Parcels

- Zone
-  E2 Environmental Conservation
 -  E3 Environmental Management
 -  R2 Low Density Residential
 -  R5 Large Lot Residential
 -  RU1 Primary Production
 -  RU2 Rural Landscape
 -  SP1 Mixed Use Development
 -  SP3 Tourist



Date: 2/08/2018

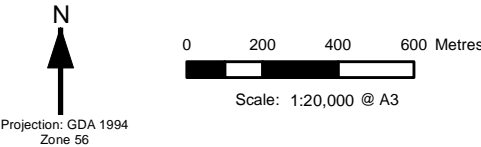
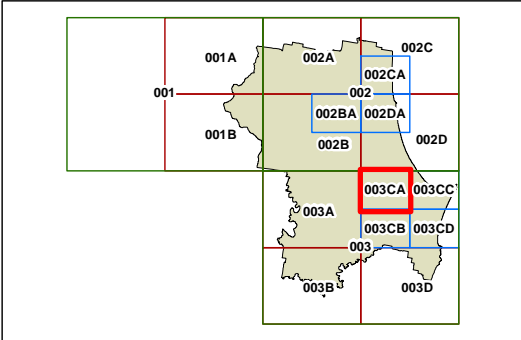
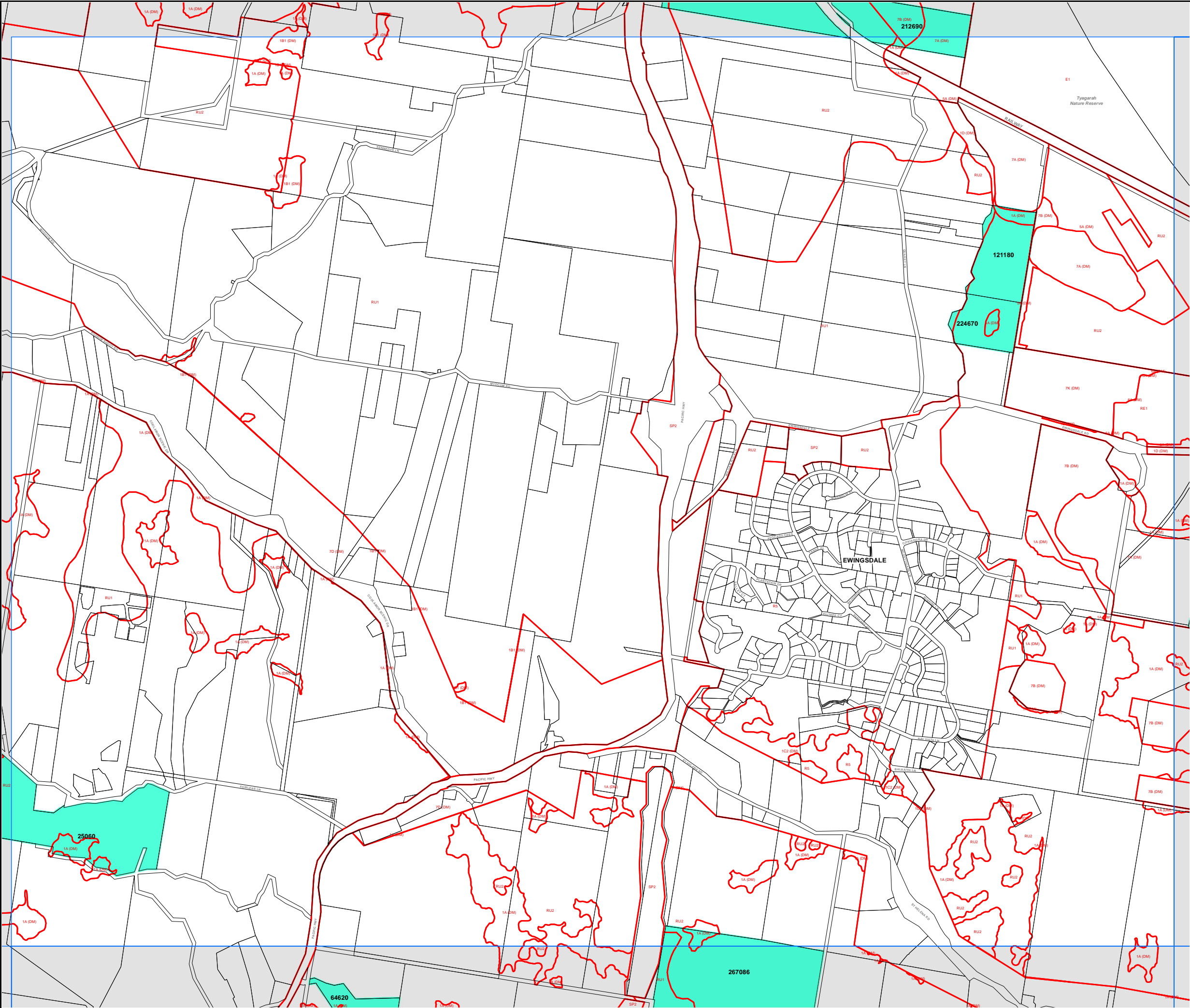




**Byron Local
Environmental
Plan 2014
(Gateway)**

Existing Zones - Sheet LZN_003CA

- Land Parcels
- Existing zoning
- Affected Land Parcels



Date: 3/08/2018

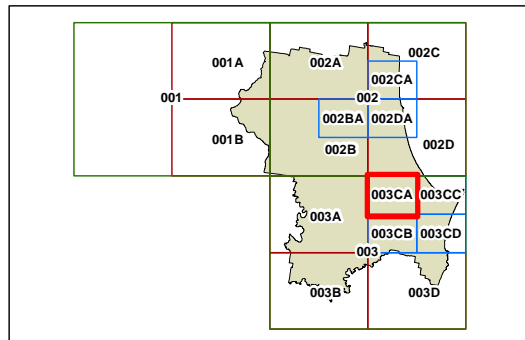


Byron Local Environmental Plan 2014 (Gateway)

Proposed Zoning Map - Sheet LZN_003CA

- Affected Land
- Existing zone boundary
- Land Parcels

- Zone**
- E2 Environmental Conservation
 - E3 Environmental Management
 - R2 Low Density Residential
 - R5 Large Lot Residential
 - RU1 Primary Production
 - RU2 Rural Landscape
 - SP1 Mixed Use Development
 - SP3 Tourist

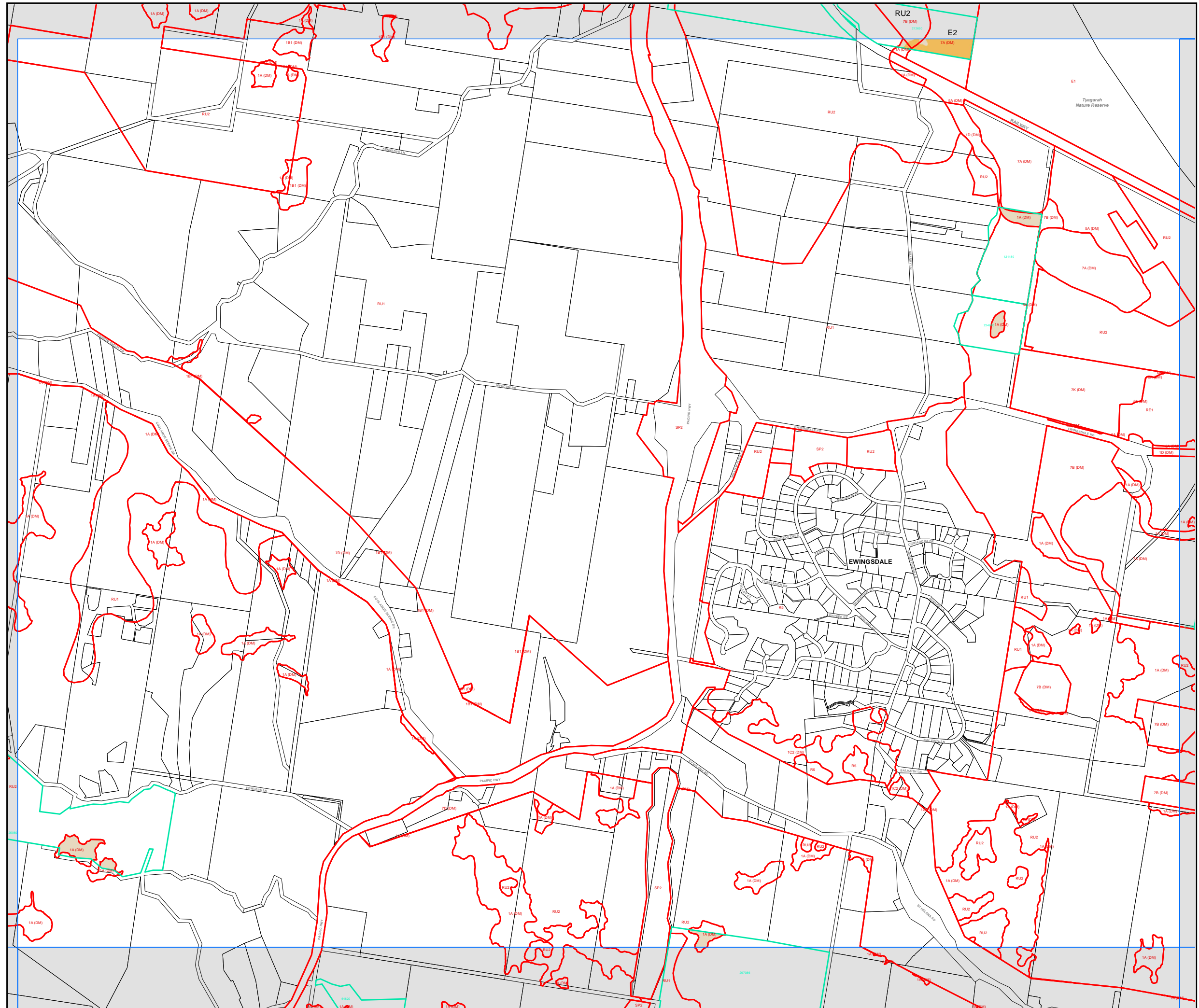


Projection: GDA 1994
Zone 56

0 200 400 600 Metres

Scale: 1:20,000 @ A3

Date: 3/08/2018

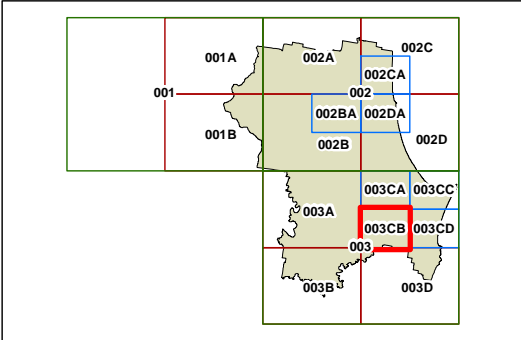




**Byron Local
Environmental
Plan 2014
(Gateway)**

Existing Zones - Sheet LZN_003CB

- Land Parcels
- Existing zoning
- Affected Land Parcels

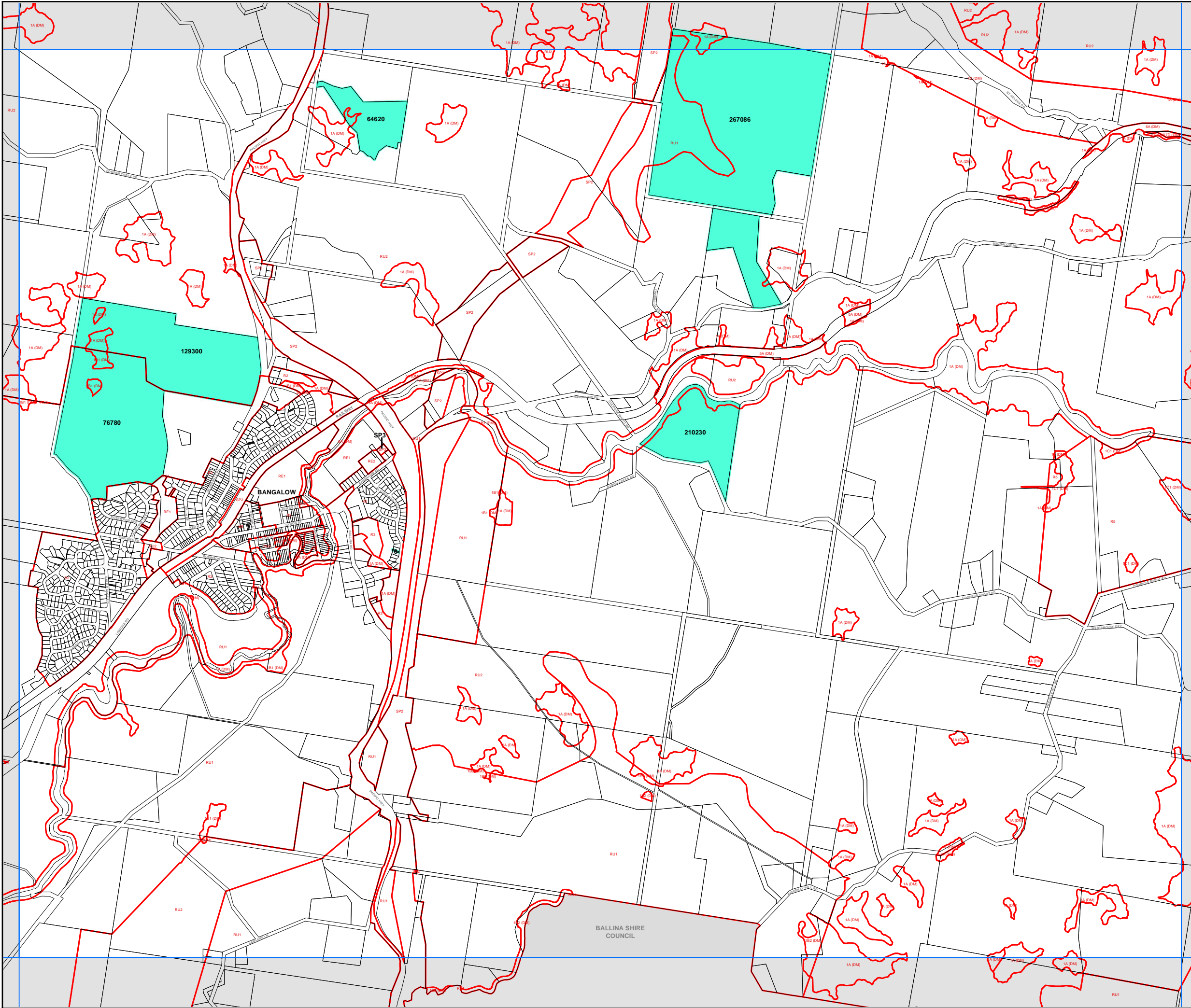


Projection: GDA 1994
Zone 56

0 200 400 600 Metres

Scale: 1:20,000 @ A3

Date: 3/08/2018



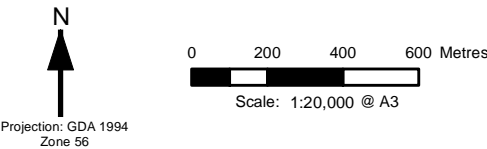
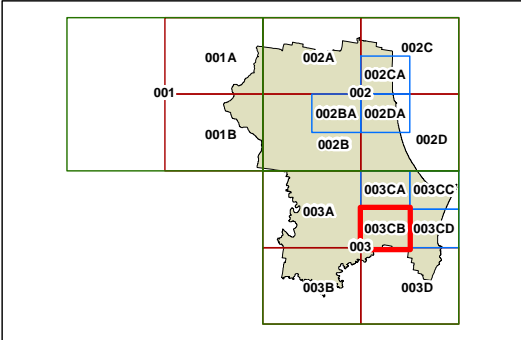


**Byron Local
Environmental
Plan 2014
(Gateway)**

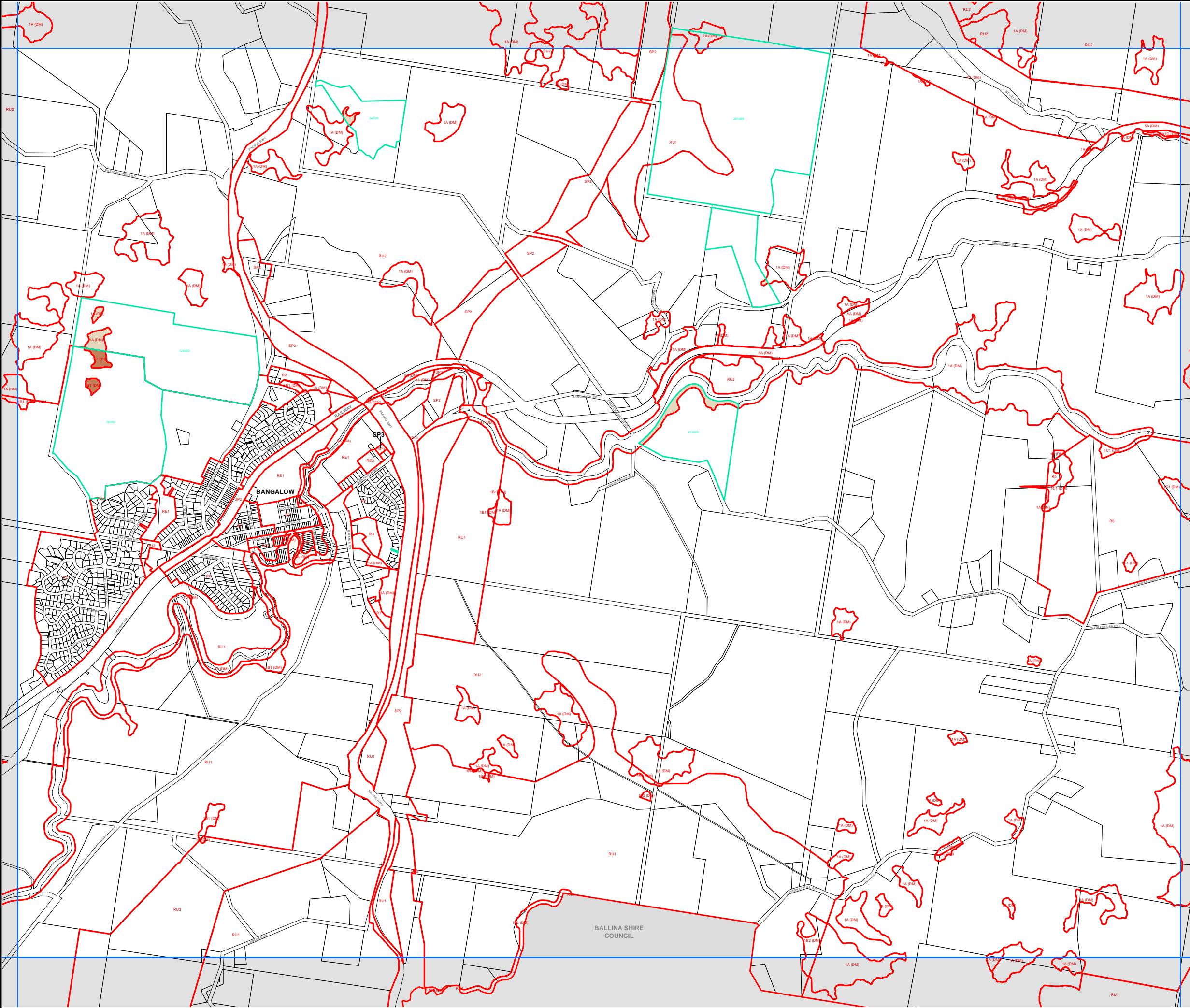
**Proposed Zoning Map
- Sheet LZN_003CB**

- Affected Land
- Existing zone boundary
- Land Parcels

- Zone**
- E2 Environmental Conservation
 - E3 Environmental Management
 - R2 Low Density Residential
 - R5 Large Lot Residential
 - RU1 Primary Production
 - RU2 Rural Landscape
 - SP1 Mixed Use Development
 - SP3 Tourist



Date: 3/08/2018

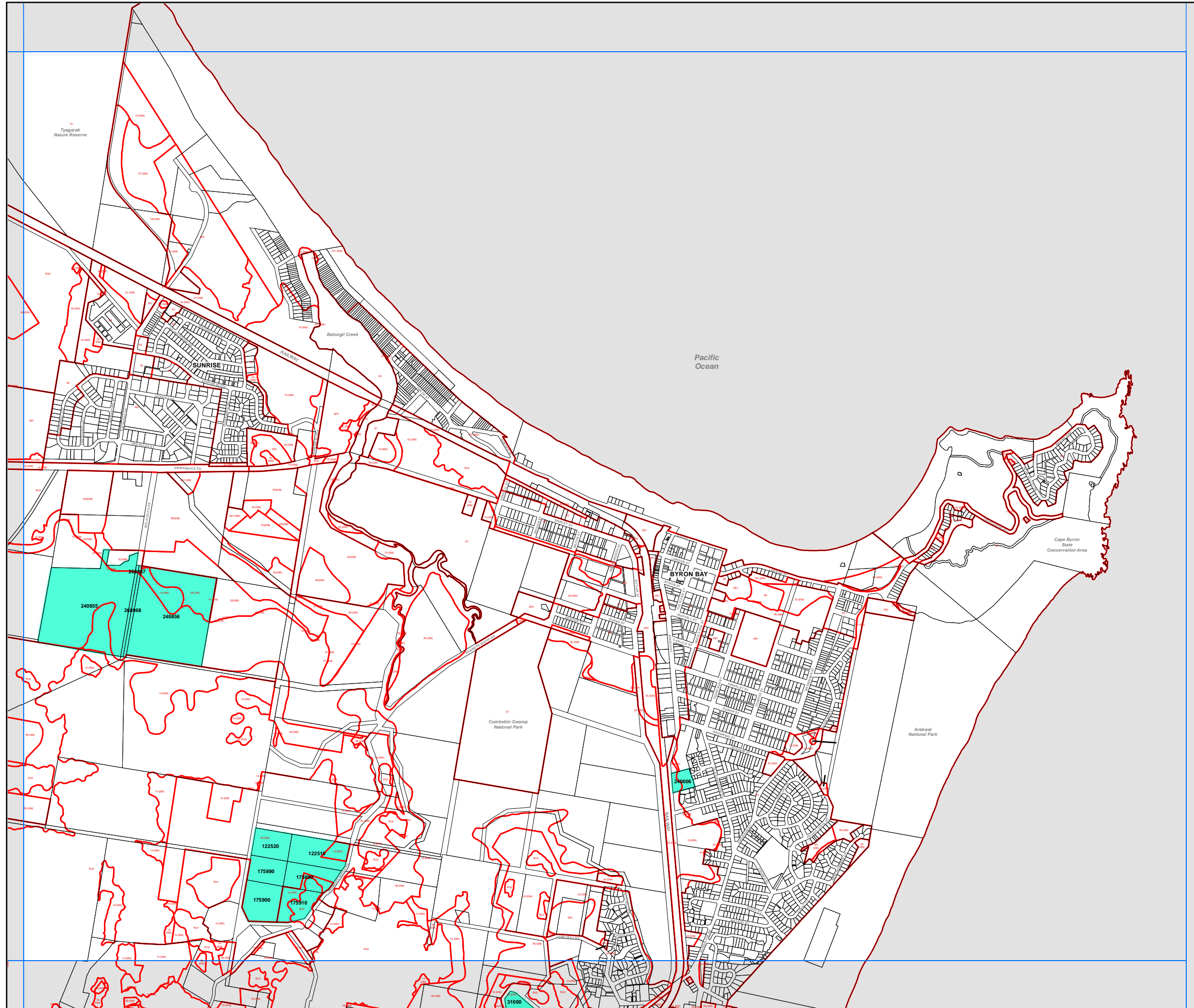
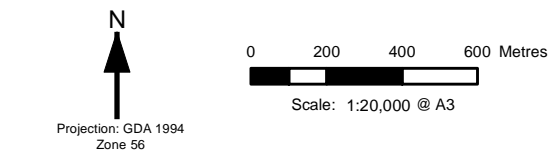
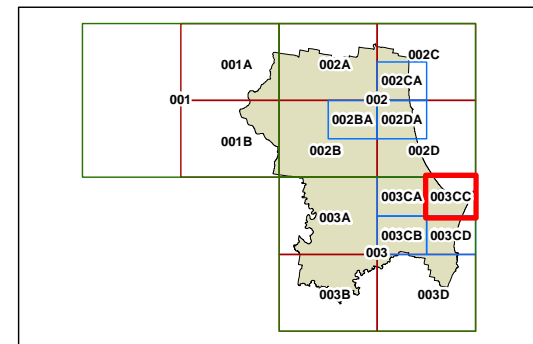




Byron Local Environmental Plan 2014 (Gateway)

Existing Zones - Sheet LZN_003CC

- Land Parcels
- Existing zoning
- Affected Land Parcels



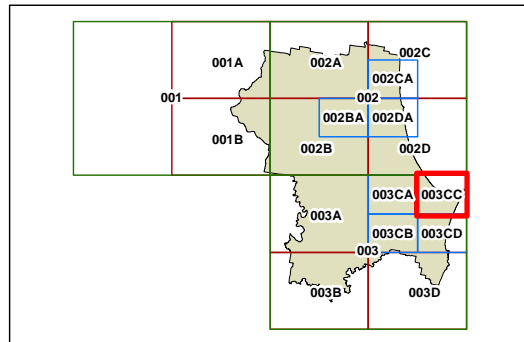


Byron Local Environmental Plan 2014 (Gateway)

Proposed Zoning Map - Sheet LZN_003CC

- Affected Land
- Existing zone boundary
- Land Parcels

- Zone**
- E2 Environmental Conservation
 - E3 Environmental Management
 - R2 Low Density Residential
 - R5 Large Lot Residential
 - RU1 Primary Production
 - RU2 Rural Landscape
 - SP1 Mixed Use Development
 - SP3 Tourist

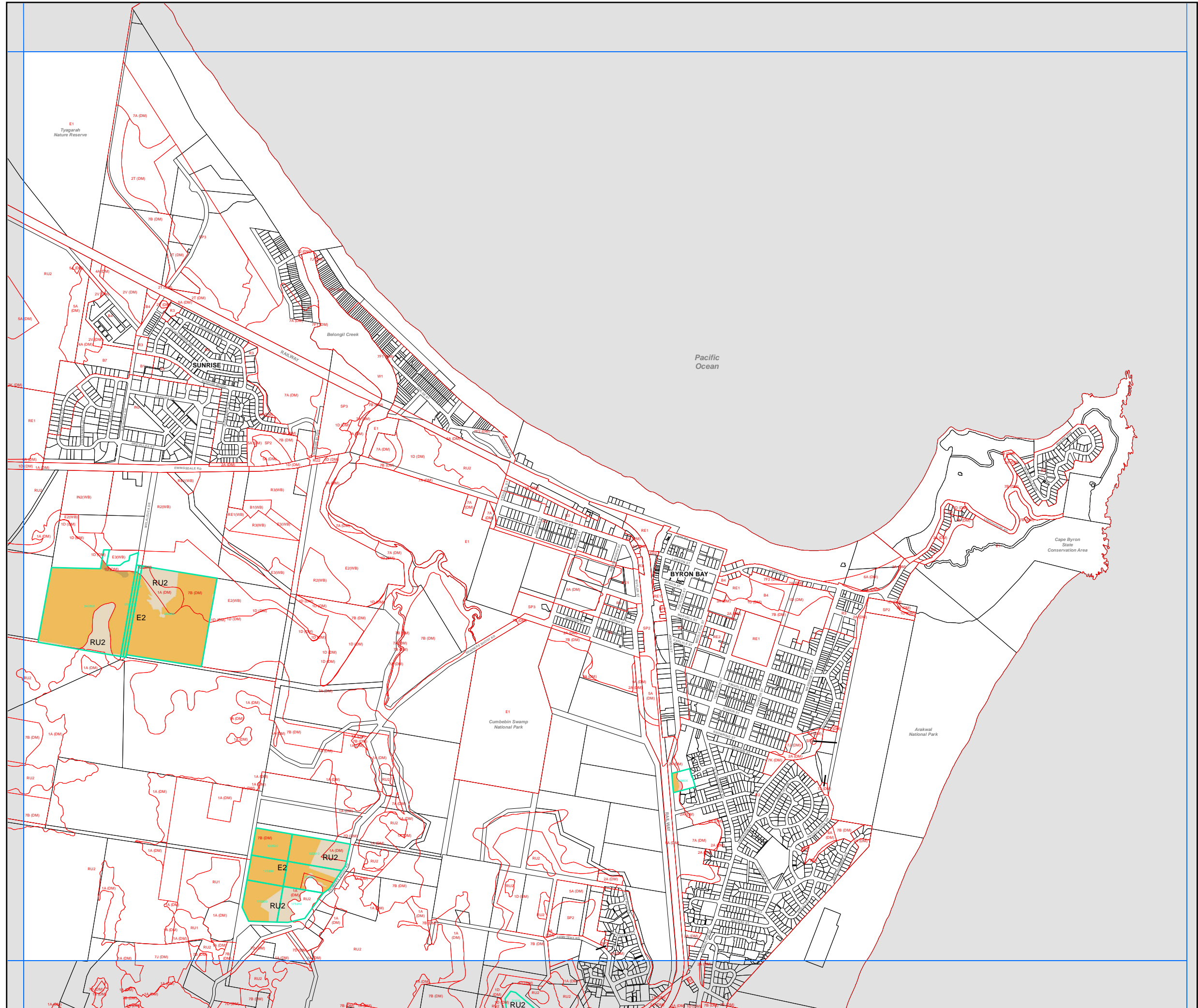


Projection: GDA 1994
Zone 56

0 200 400 600 Metres

Scale: 1:20,000 @ A3

Date: 31/07/2018

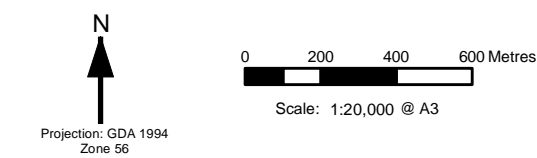
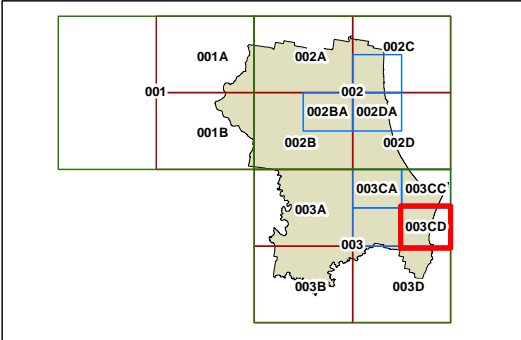




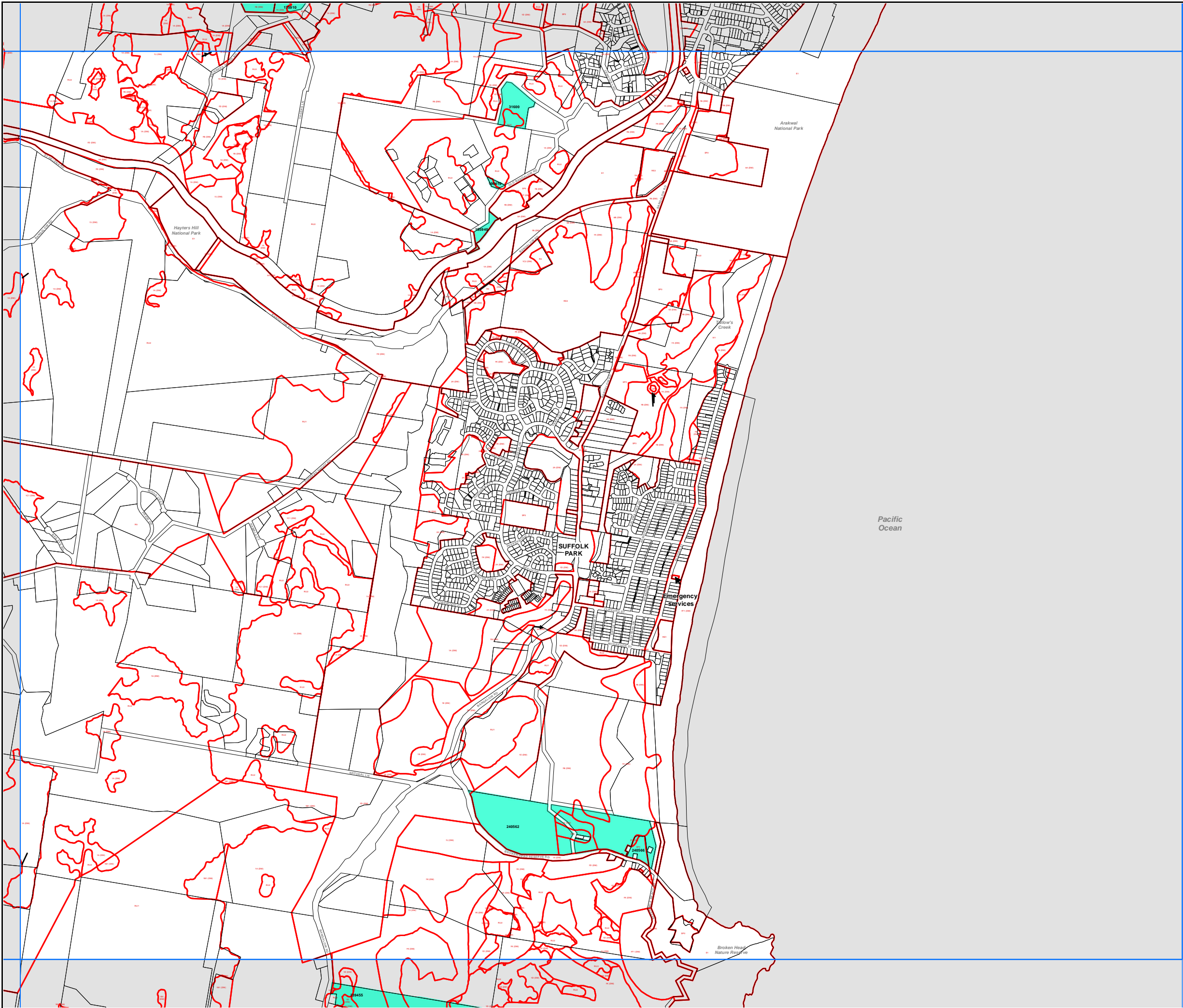
**Byron Local
Environmental
Plan 2014
(Gateway)**

Existing Zones - Sheet LZN_003CD

- Land Parcels
- Existing zoning
- Affected Land Parcels



Date: 31/07/2018



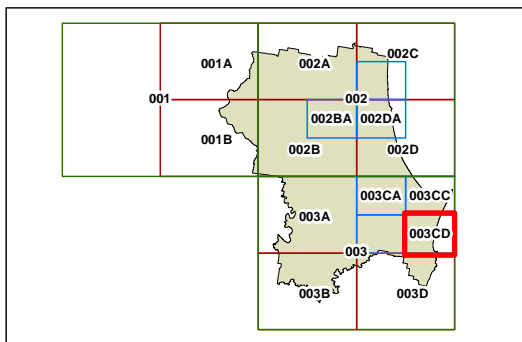


Byron Local Environmental Plan 2014 (Gateway)

Proposed Zoning Map - Sheet LZN_003CD

- Affected Land
- Existing zone boundary
- Land Parcels

- Zone**
- E2 Environmental Conservation
 - E3 Environmental Management
 - R2 Low Density Residential
 - R5 Large Lot Residential
 - RU1 Primary Production
 - RU2 Rural Landscape
 - SP1 Mixed Use Development
 - SP3 Tourist

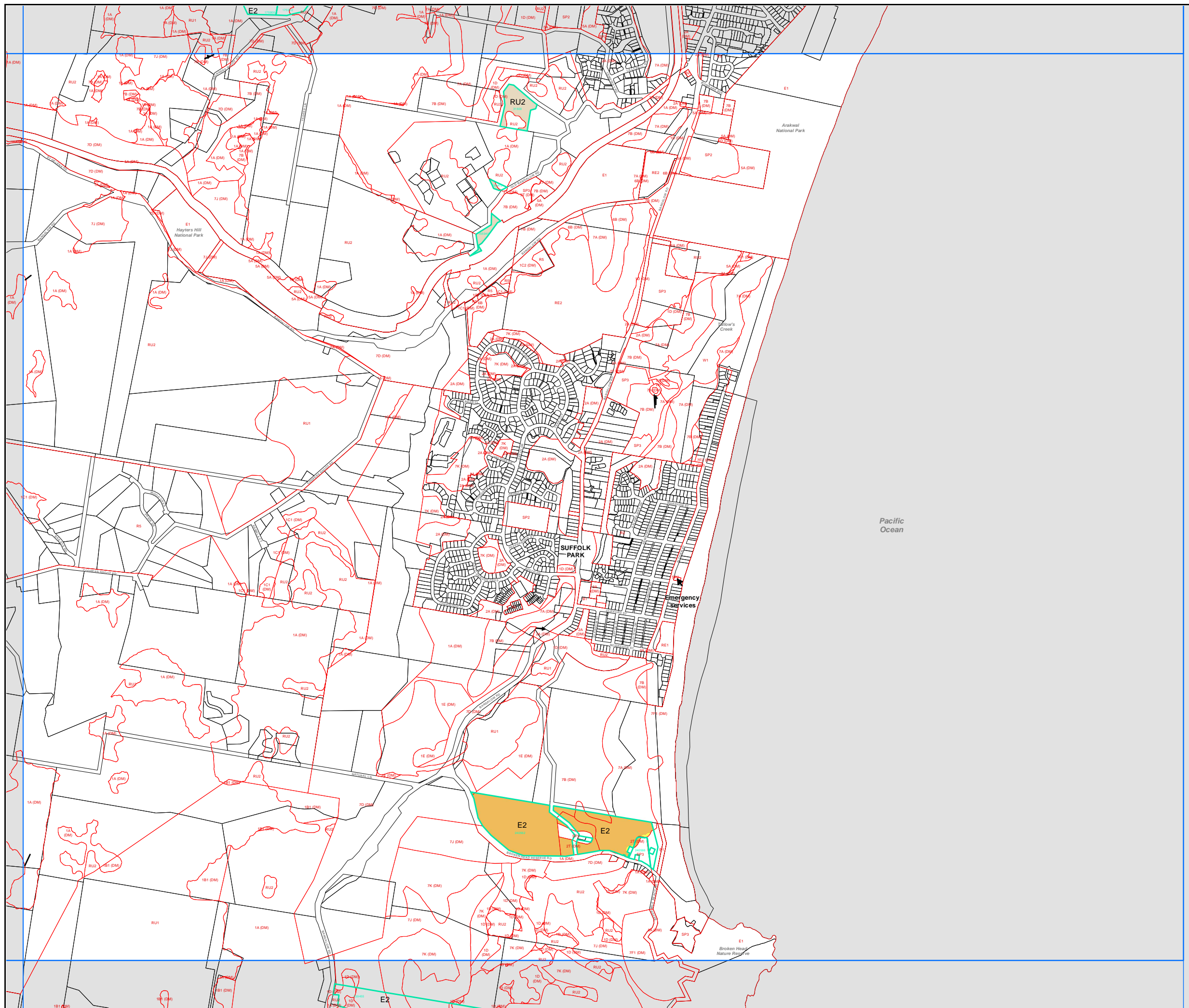


Projection: GDA 1994
Zone 56

0 200 400 600 Metres

Scale: 1:20,000 @ A3

Date: 31/07/2018

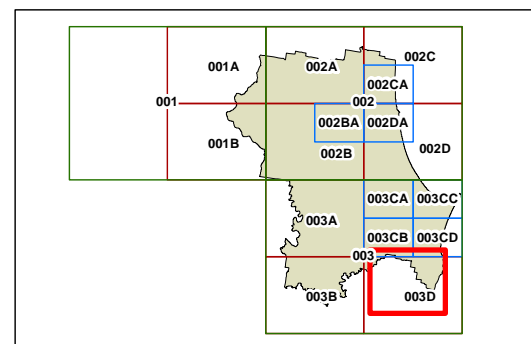
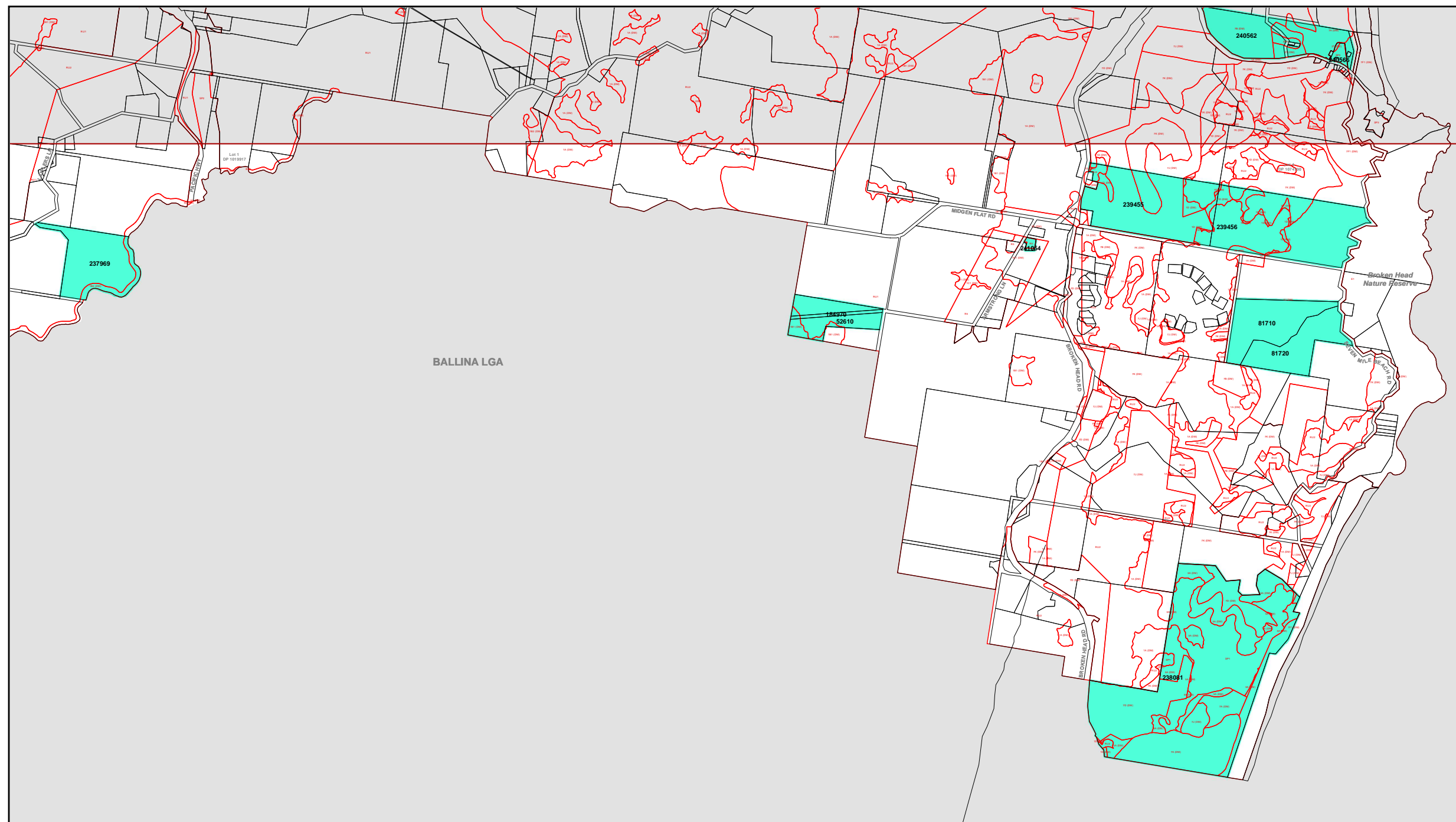




Byron Local Environmental Plan 2014 (Gateway)

Existing Zones - Sheet LZN_003D

- Land Parcels
- Existing zoning
- Affected Land Parcels



0 400 800 Metres

Scale: 1:30,000 @ A3

Projection: GDA 1994
Zone 56

Date: 31/07/2018



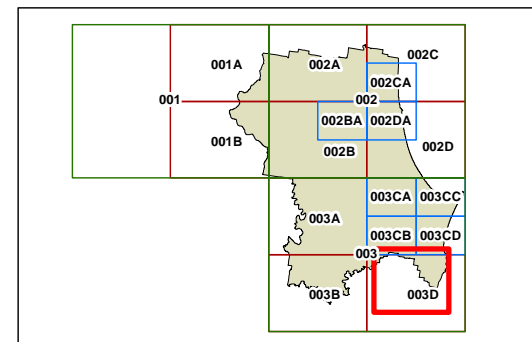
Byron Local Environmental Plan 2014 (Gateway)

Proposed Zoning Map - Sheet LZN_003D

- Affected Land
- Existing zone boundary
- Land Parcels

Zone

- E2 Environmental Conservation
- E3 Environmental Management
- R2 Low Density Residential
- R5 Large Lot Residential
- RU1 Primary Production
- RU2 Rural Landscape
- SP1 Mixed Use Development
- SP3 Tourist

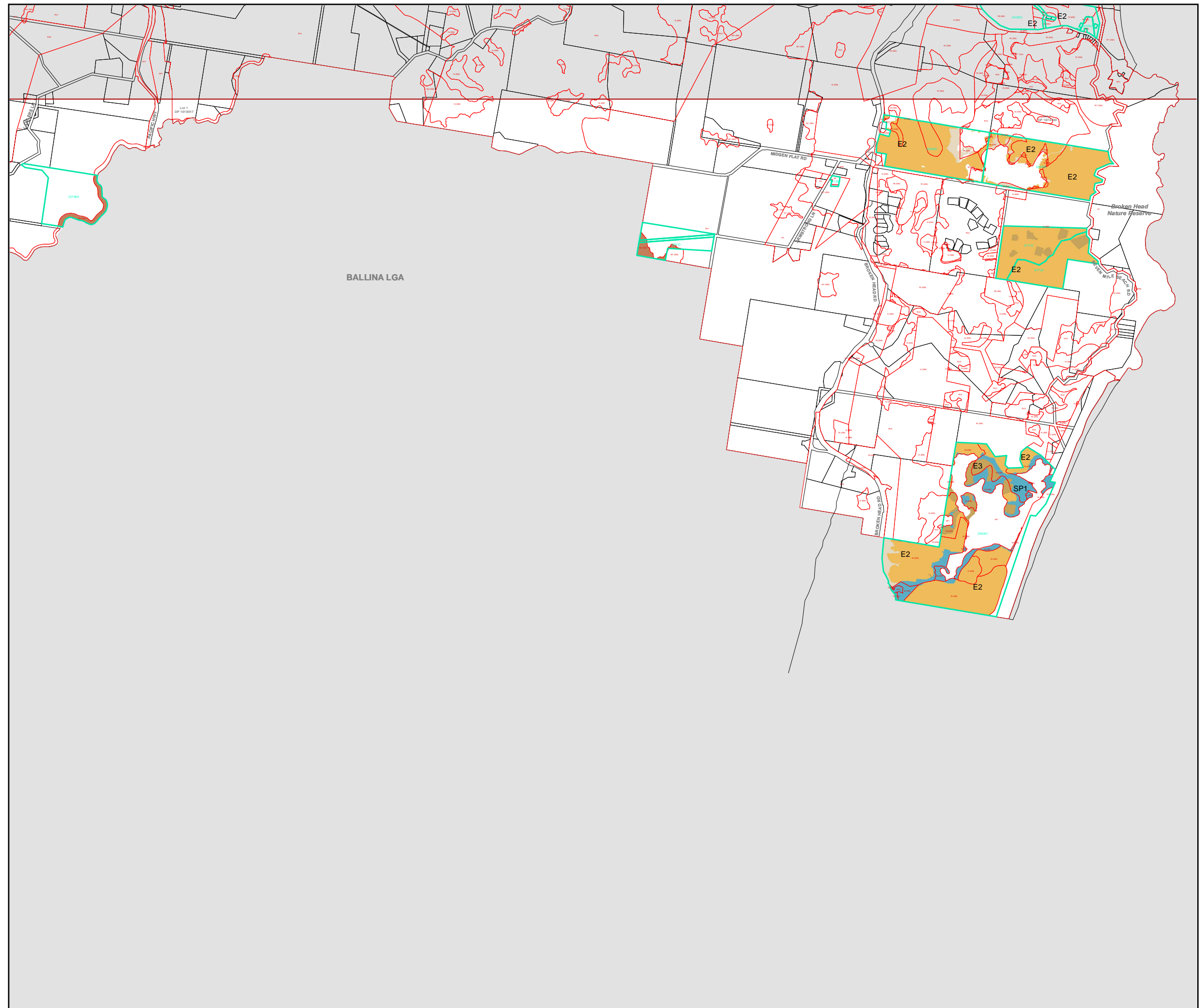


Projection: GDA 1994
Zone 56

0 400 800 Metres

Scale: 1:30,000 @ A3

Date: 31/07/2018




Lot Size Maps:



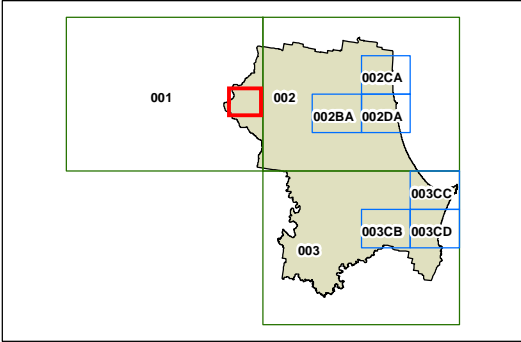
**Byron Local
Environmental
Plan 2014
(Gateway)**

Lot Size Map
(Part) Sheet LSZ_001

 Land Parcels

Lot Size

- X2 8000
- Y 1ha
- Z2 2.5ha
- AB1 20ha
- AB2 40ha



0 55 110 220 330
Meters

Scale: 1:12,610 @ A3

Projection: GDA 1994
Zone 56

Date: 29/06/2018

***Mount
Jerusalem
National
Park***

AB2

HUONBROOK RD

JOHNSONS RD

MILL RD

HUONBROOK RD



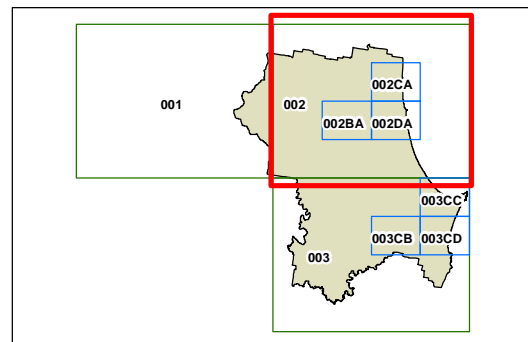
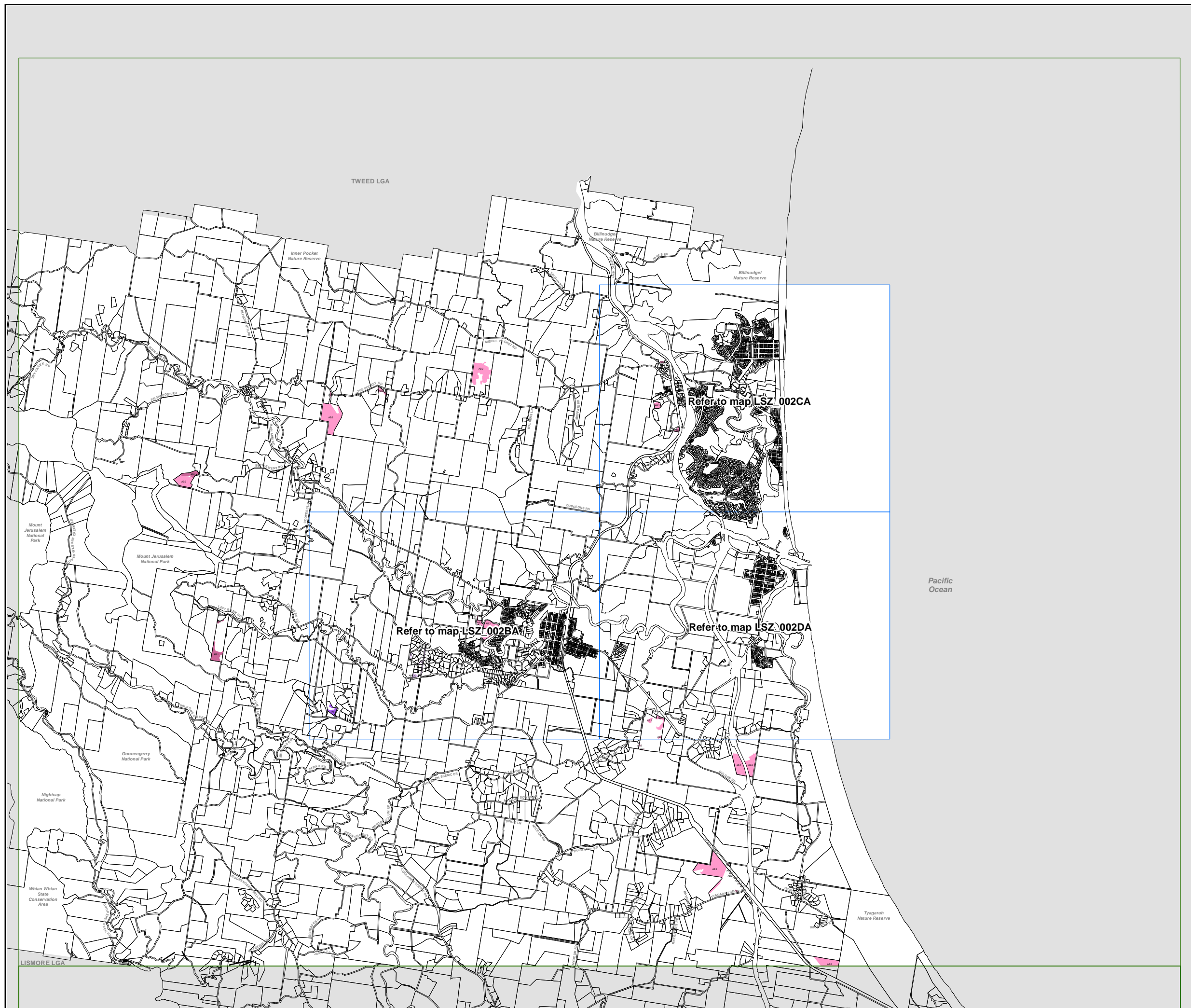
Byron Local Environmental Plan 2014

Lot Size Map - Sheet LSZ_002

Land Parcels

Lot Size

- X2 8000
- Y 1ha
- Z2 2.5ha
- AB1 20ha
- AB2 40ha



0 800 1,600 Metres

Projection: GDA 1994
Zone 56

Date: 29/06/2018



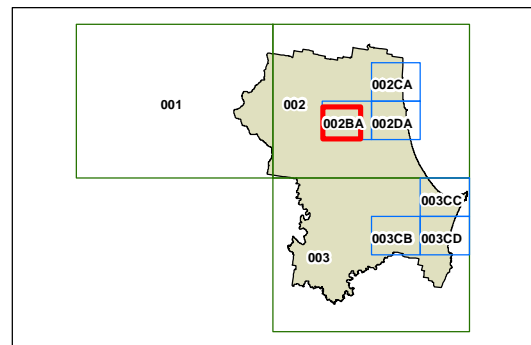
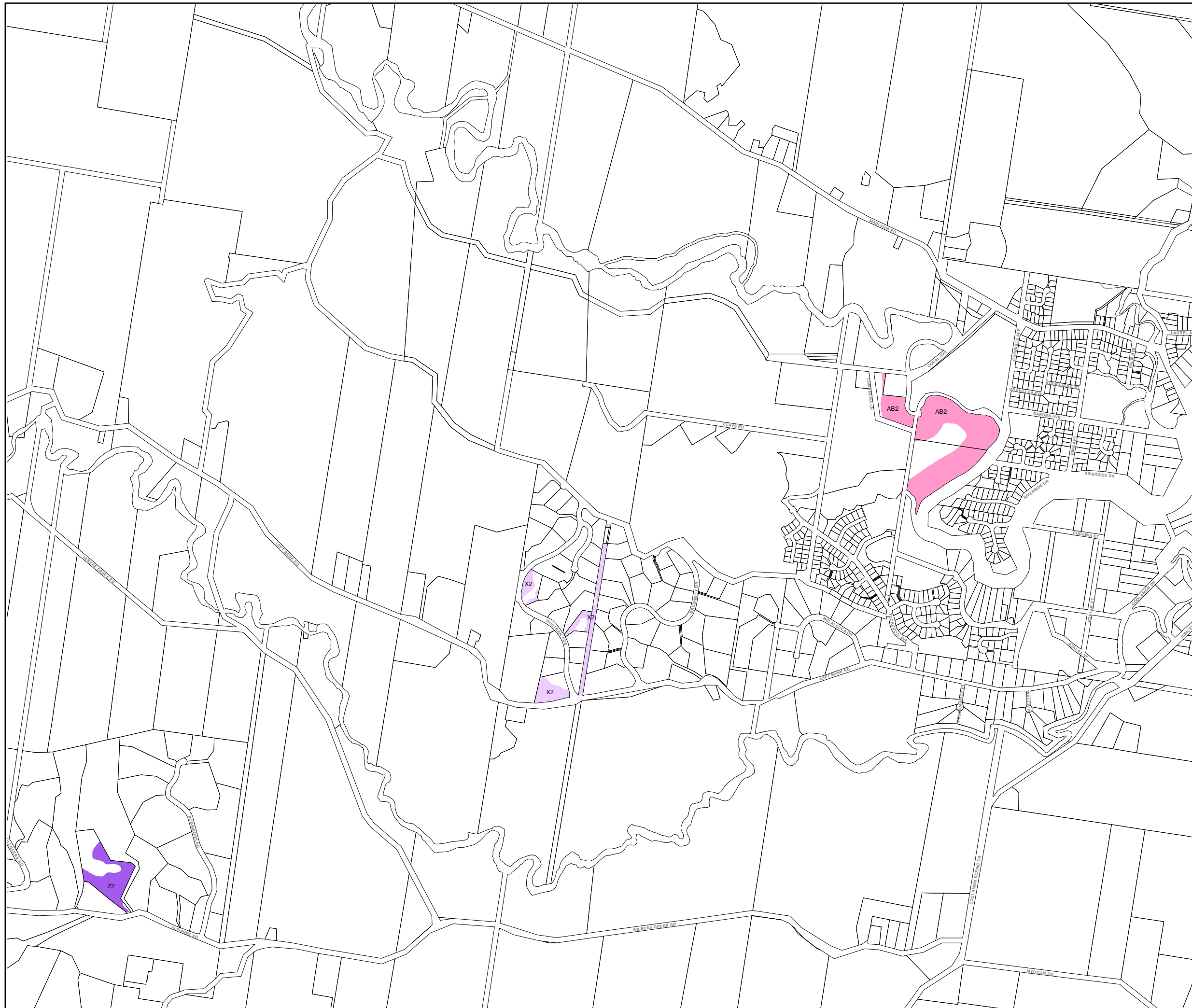
Byron Local Environmental Plan 2014

Lot Size Map (Part) Sheet LSZ_002BA

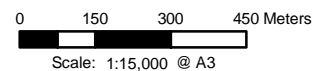
Land Parcels

Lot Size

- X2 8000
- Y 1ha
- Z2 2.5ha
- AB1 20ha
- AB2 40ha



Projection: GDA 1994
Zone 56



Date: 29/06/2018

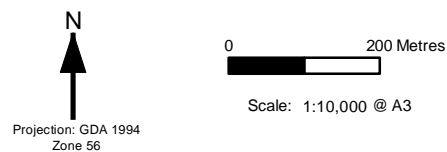
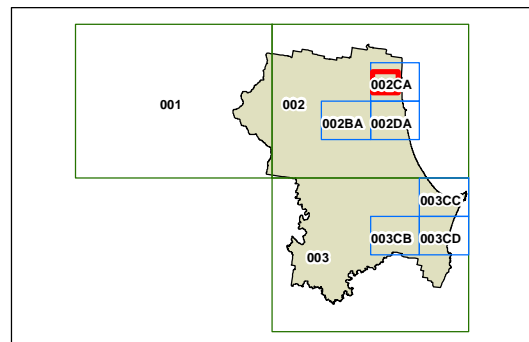


Lot Size Map
(Part) Sheet LSZ_002CA

 Land Parcels

Lot Size

X2	8000
Y	1ha
Z2	2.5ha
AB1	20ha
AB2	40ha



Date: 29/06/2018



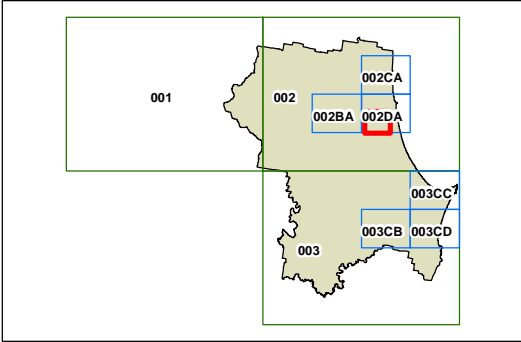


**Byron Local
Environmental
Plan 2014**

**Lot Size Map
(Part) Sheet LSZ_002DA**

Land Parcels

- Lot Size**
- X2 8000
 - Y 1ha
 - Z2 2.5ha
 - AB1 20ha
 - AB2 40ha

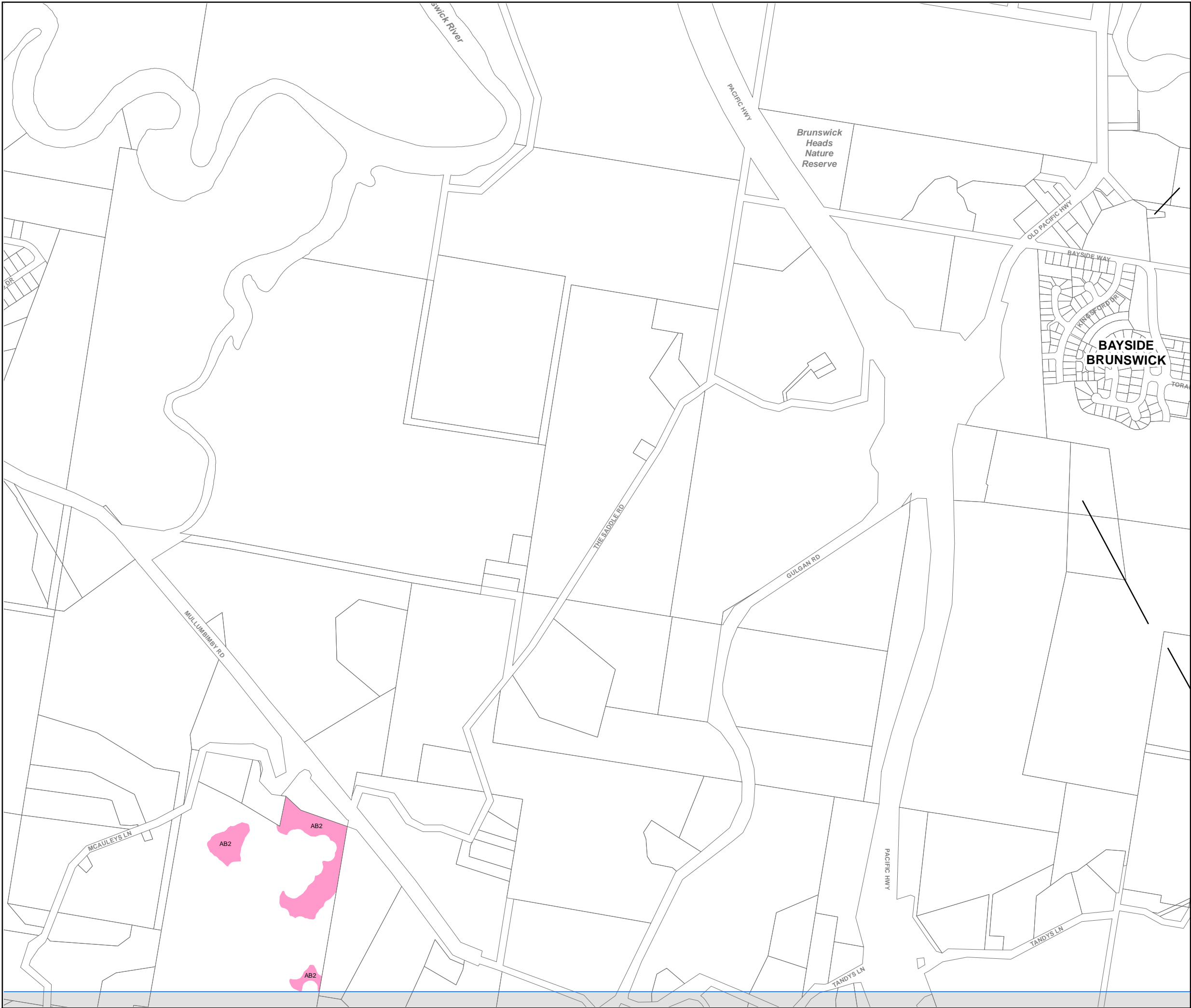


Projection: GDA 1994
Zone 56

0 100 200 300 Metres

Scale: 1:10,000 @ A3

Date: 29/06/2018





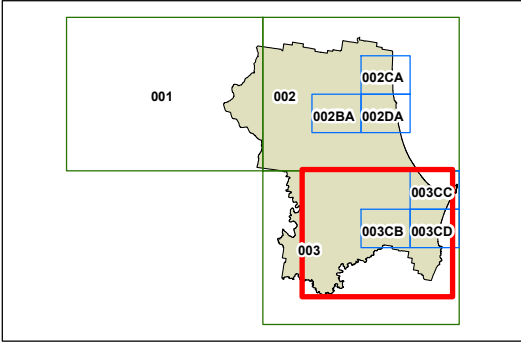
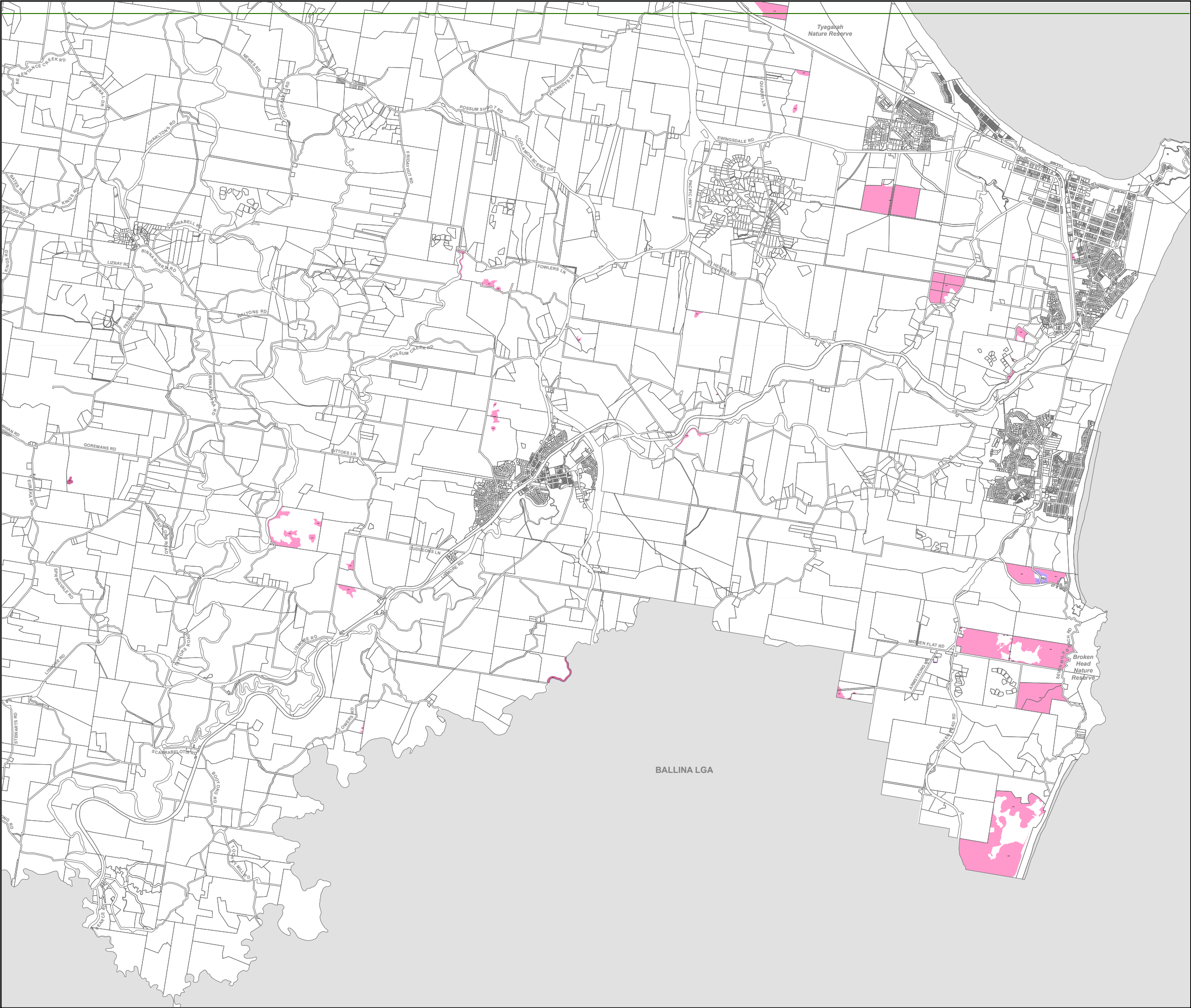
**Byron Local
Environmental
Plan 2014
(Gateway)**

Lot Size Map
(Part) Sheet LSZ_003

Land Parcels

Lot Size

- X2 8000
- Y 1ha
- Z2 2.5ha
- AB1 20ha
- AB2 40ha



Projection: GDA 1994
Zone 56

0 800 1,600 Metres

Scale: 1:60,000 @ A3

Date: 29/06/2018



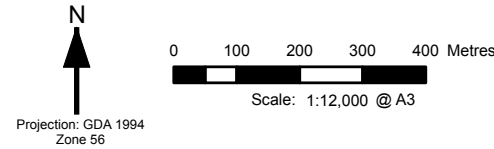
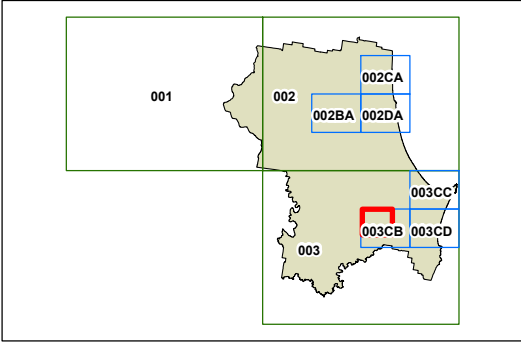
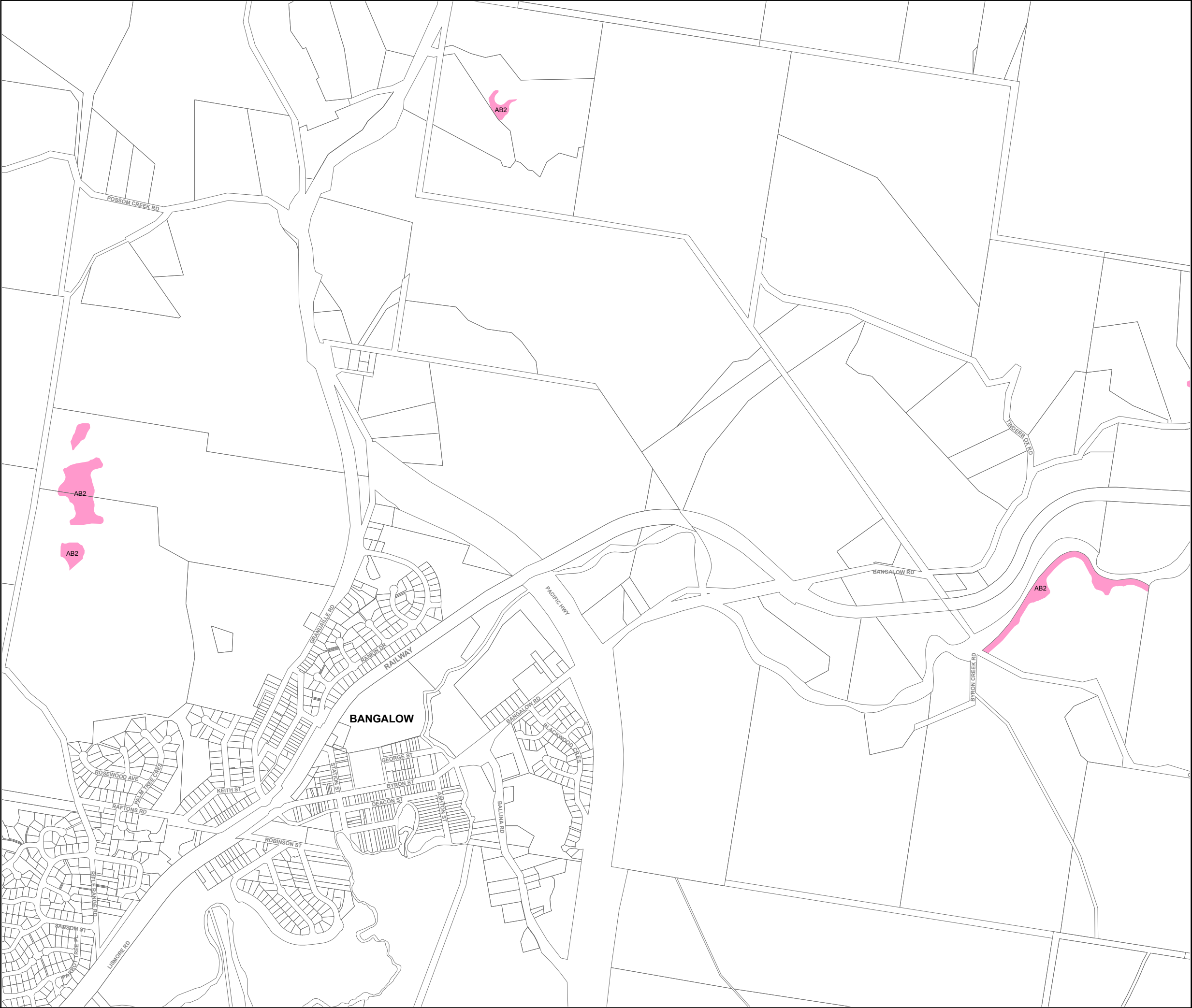
**Byron Local
Environmental
Plan 2014
(Gateway)**

Lot Size Map
(Part) Sheet LSZ_003CB

Land Parcels

Lot Size

- X2 8000
- Y 1ha
- Z2 2.5ha
- AB1 20ha
- AB2 40ha



Date: 29/06/2018



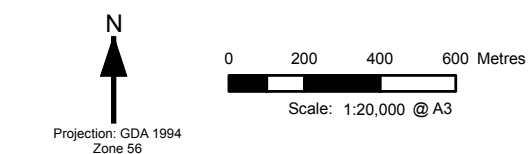
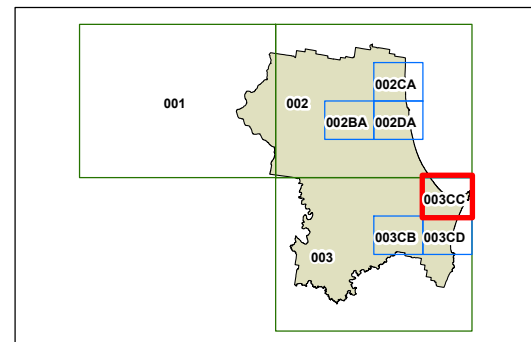
Byron Local Environmental Plan 2014

Lot Size Map - Sheet LSZ_003CC

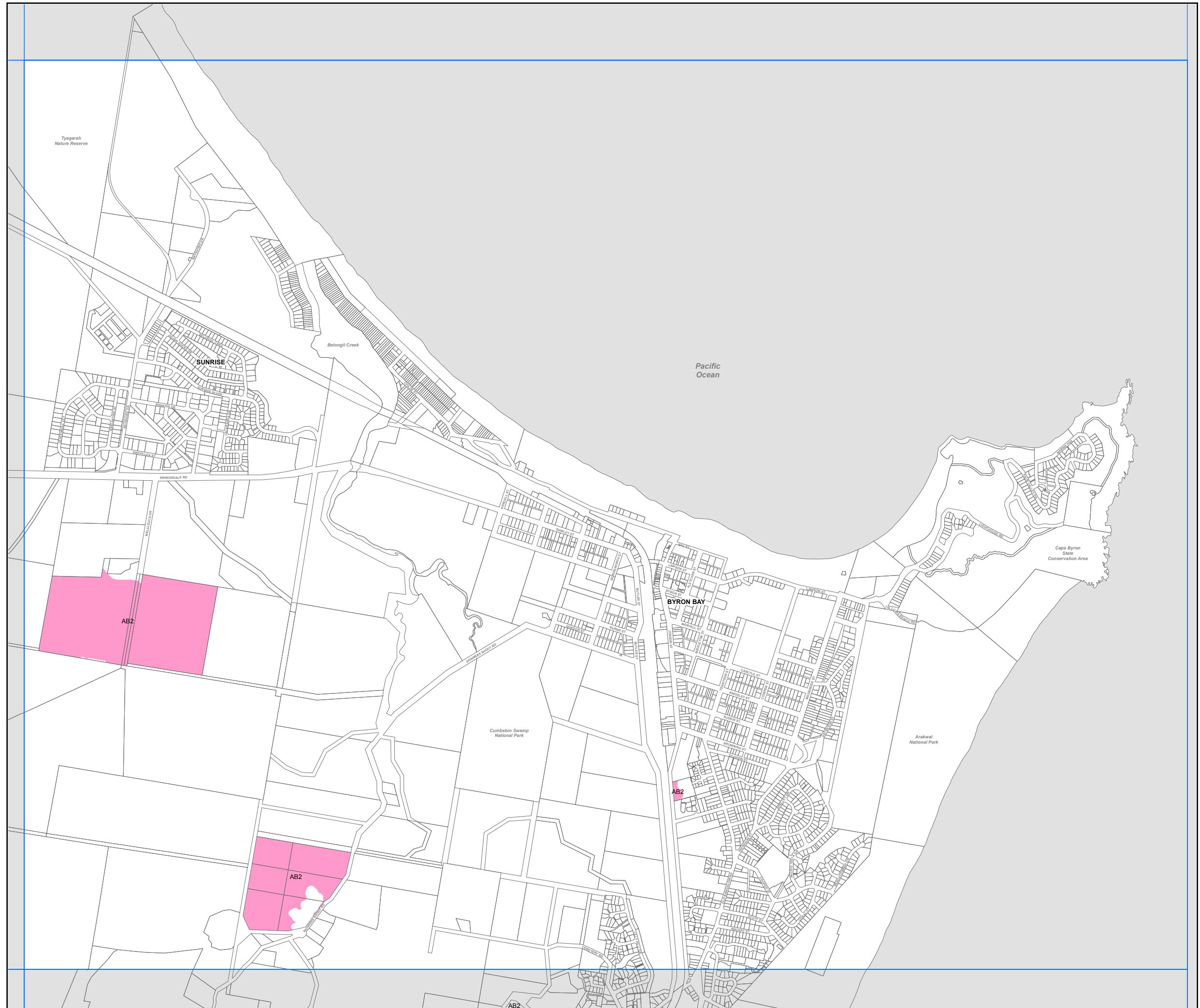
Land Parcels

Lot Size

- X2 8000
- Y 1ha
- Z2 2.5ha
- AB1 20ha
- AB2 40ha




Date: 29/06/2018










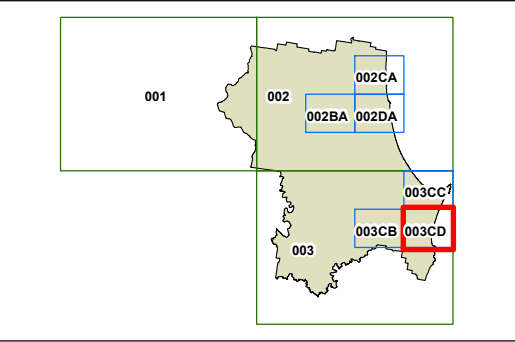
**Byron Local
Environmental
Plan 2014**

Lot Size Map - Sheet LSZ_003CD

 Land Parcels

Lot Size

-  X2 8000
-  Y 1ha
-  Z2 2.5ha
-  AB1 20ha
-  AB2 40ha

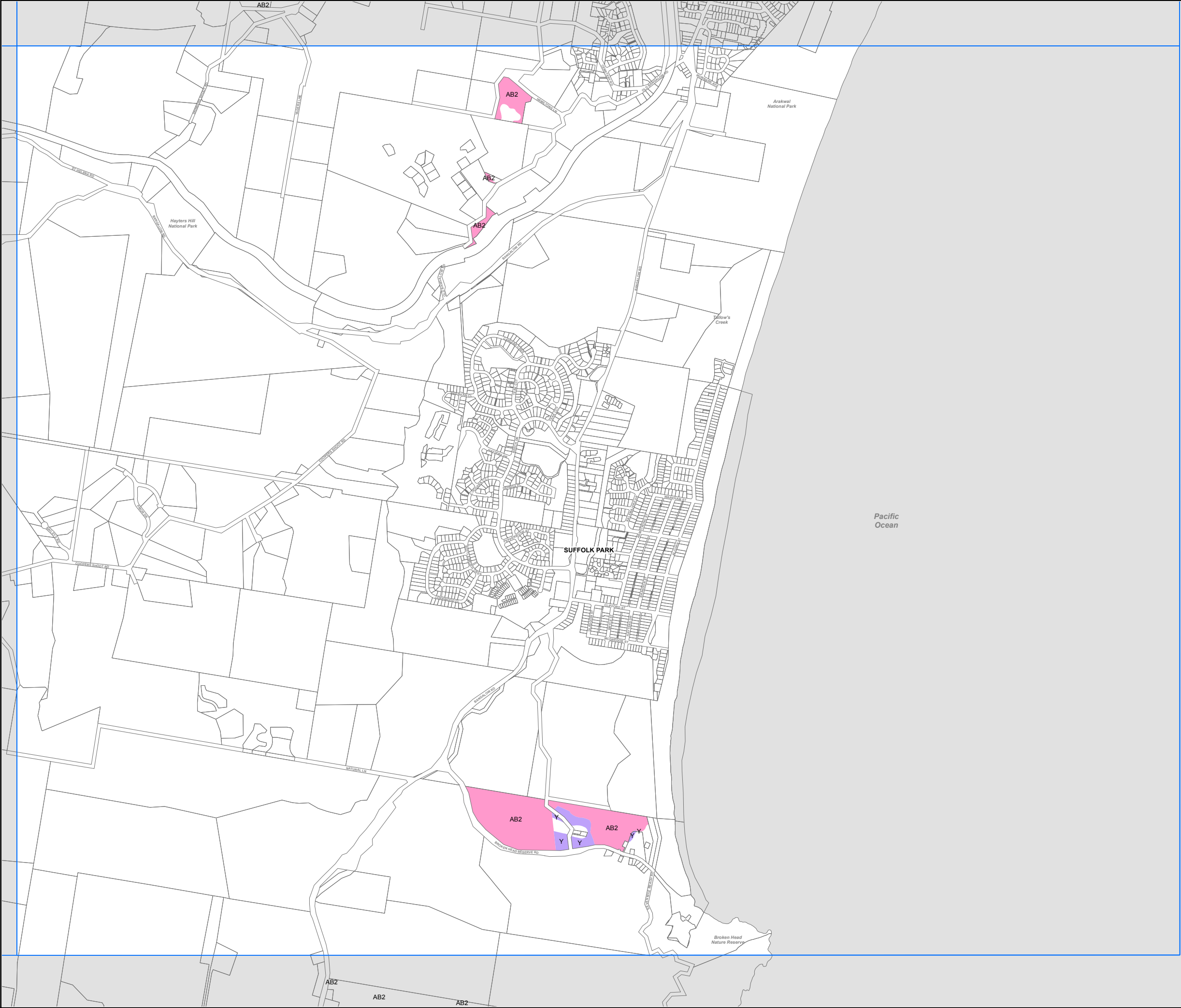


Projection: GDA 1994
Zone 56

0 200 400 Metres

Scale: 1:20,000 @ A3

Date: 29/06/2018



Floor Space Ratio Maps:



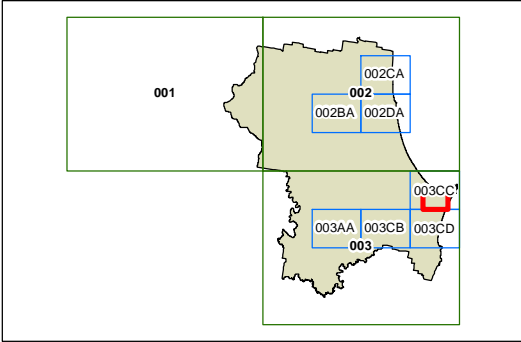
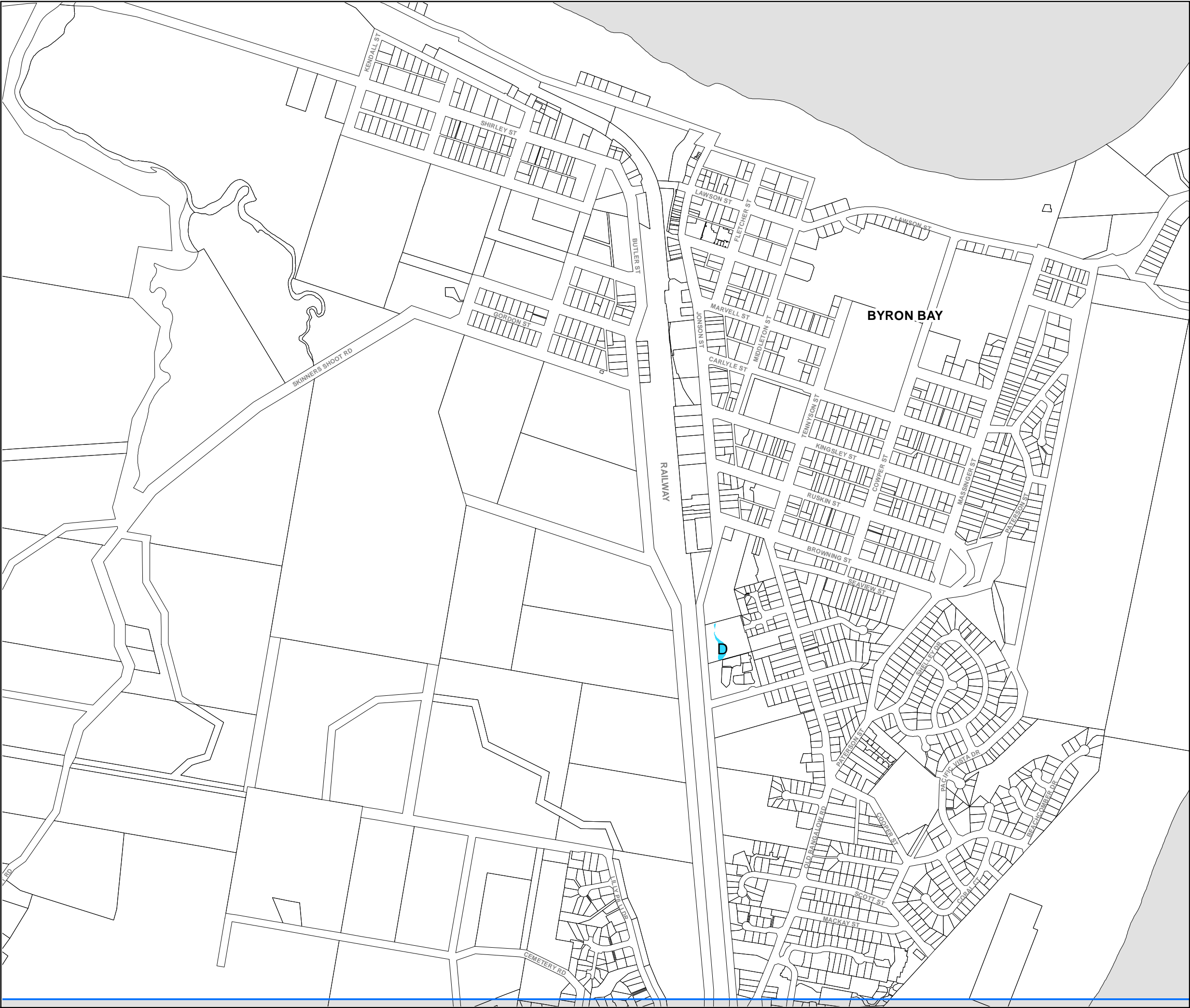
**Byron Local
Environmental
Plan 2014
(Gateway)**

Floor Space Ratio Map -
Part Sheet FSR_003CC

Land Parcels

Maximum Floor Space Ratio (n:1)

A1	0.2
A2	0.3
B	0.4
D	0.5
F	0.6
I	0.75
J	0.8
L	0.9
N	1
Q	1.3



0 100 200 300 Metres

Scale: 1:10,000 @ A3


Projection: GDA 1994
Zone 56

Date: 29/06/2018

Height of Buildings Maps:

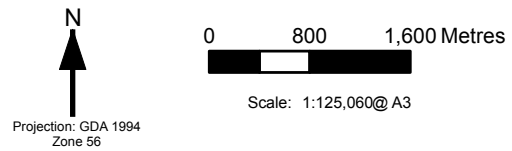


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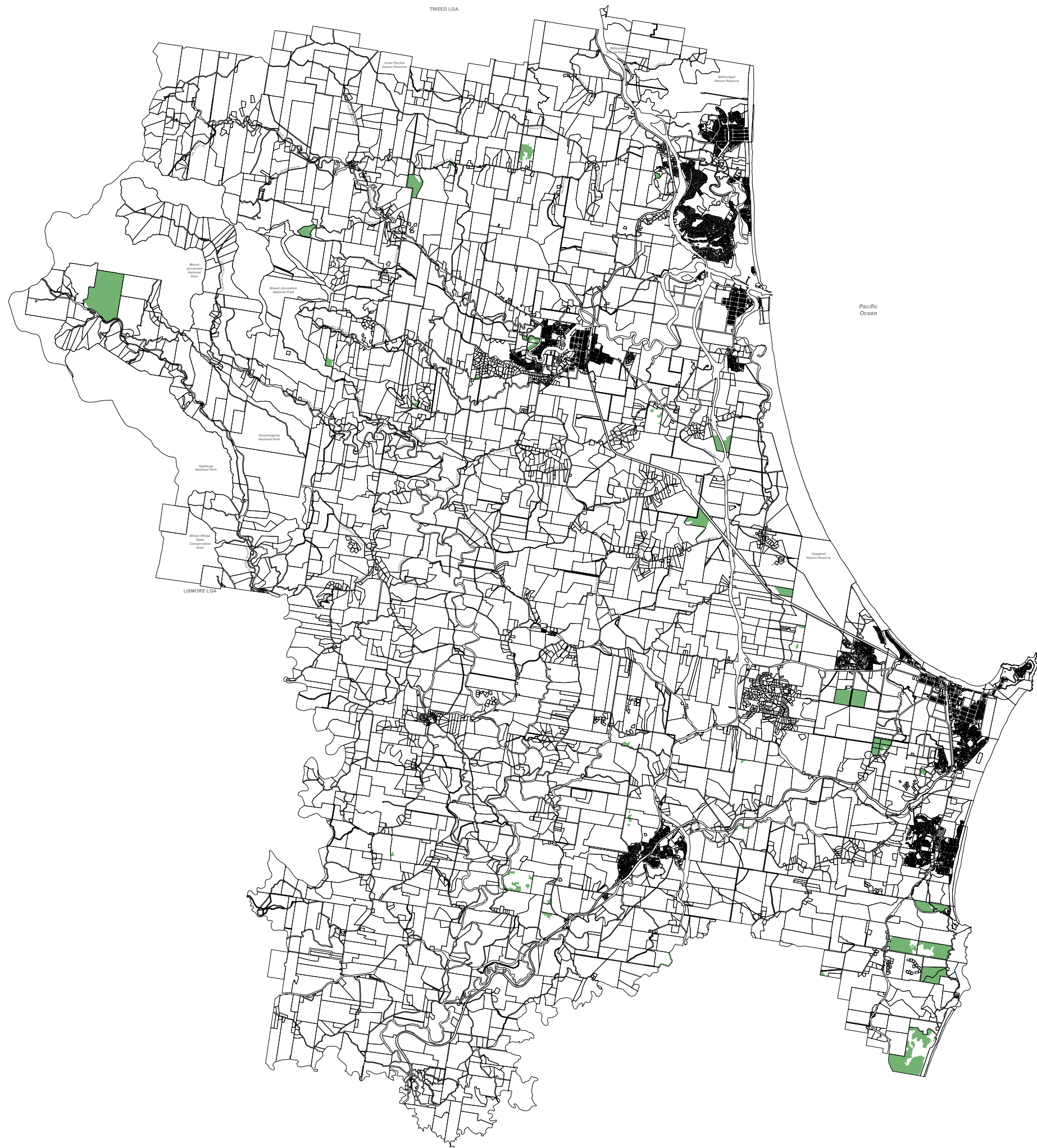
 Land Parcels

Height of Buildings

 9 Metres



Date: 29/06/2018



Acid Sulfate Soil Maps:



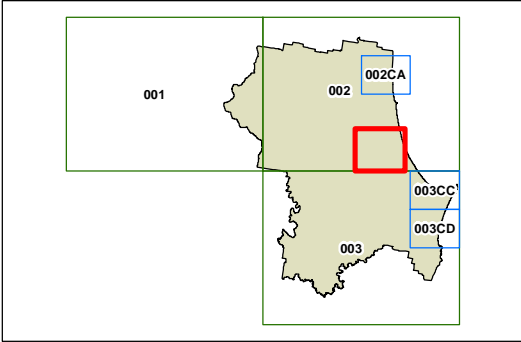
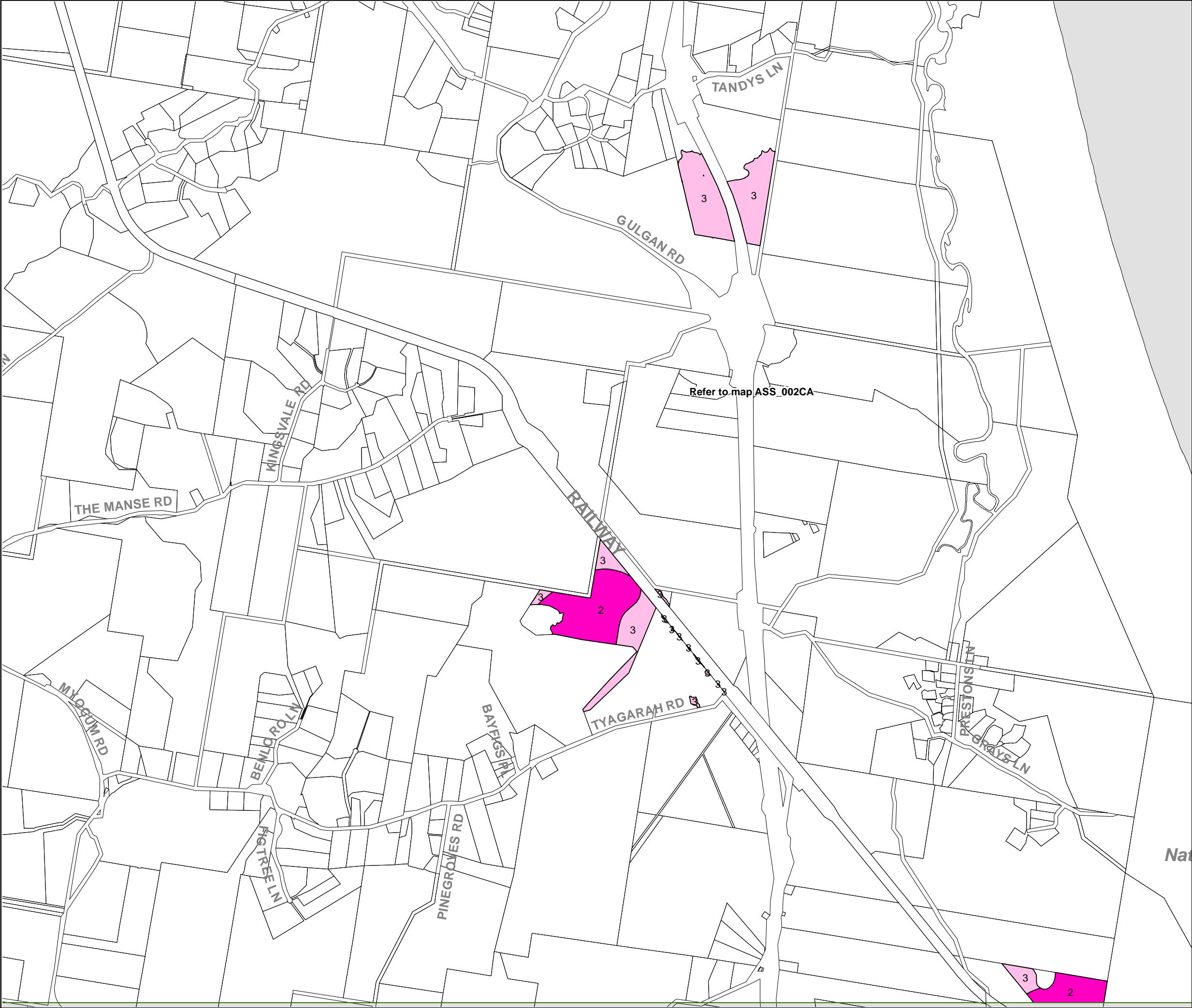
Byron Local
Environmental
Plan 2014
(Gateway)

Acid Sulfate Soils Map -
Part Sheet ASS_002

Land Parcels

Class

- Class 1
- Class 2
- Class 3
- Class 4
- Class 5



Date: 29/06/2018



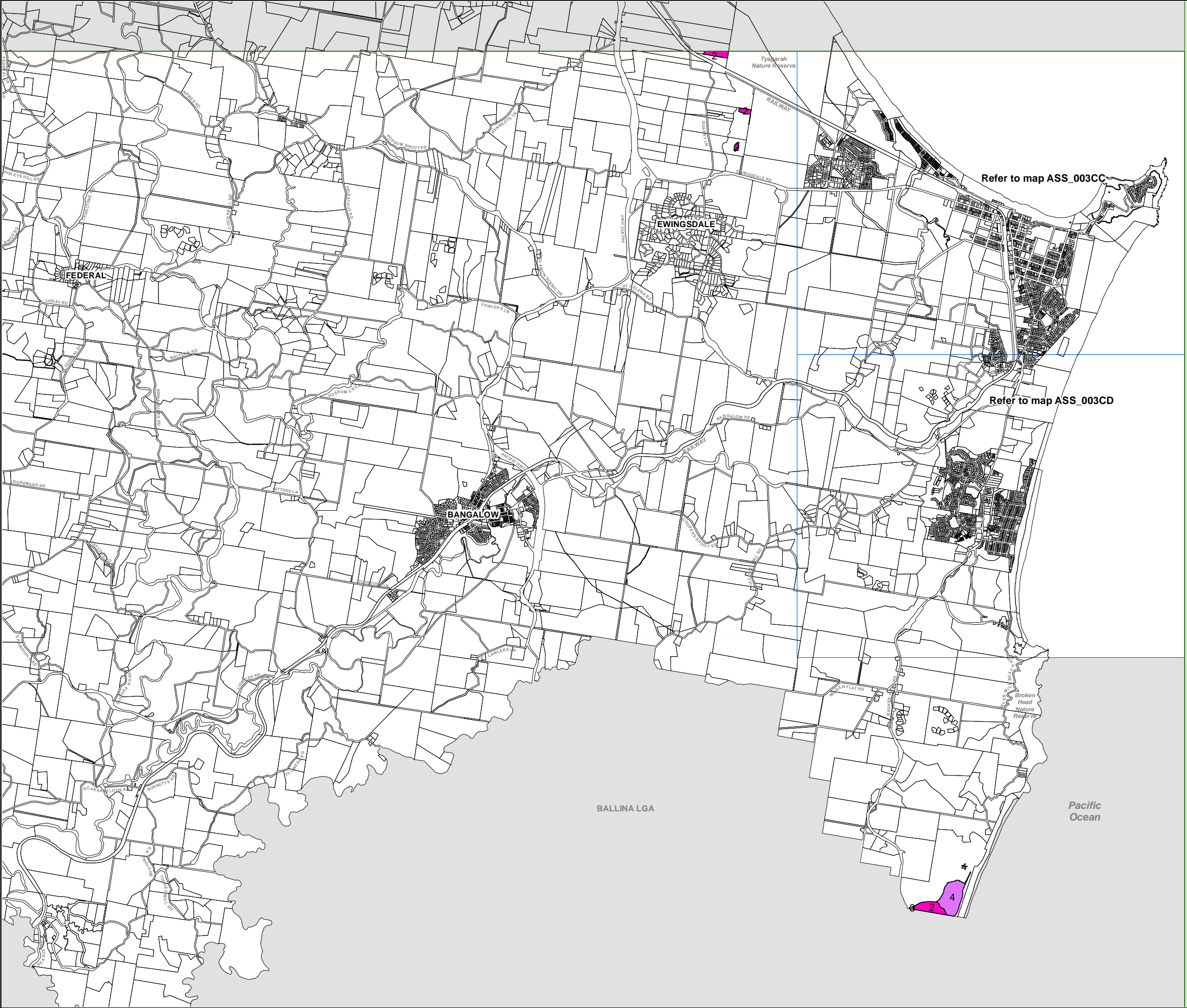
**Byron Local
Environmental
Plan 2014
(Gateway)**

**Acid Sulfate Soils Map -
Part Sheet ASS_003**

Land Parcels

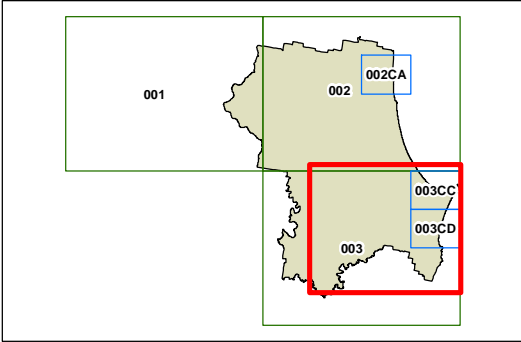
Class

- Class 1
- Class 2
- Class 3
- Class 4
- Class 5



Refer to map ASS_003CC

Refer to map ASS_003CD



0 610 1,220 1,830 Metres

Scale: 1:60,000 @ A3

Projection: GDA 1994
Zone 56

Date: 29/06/018

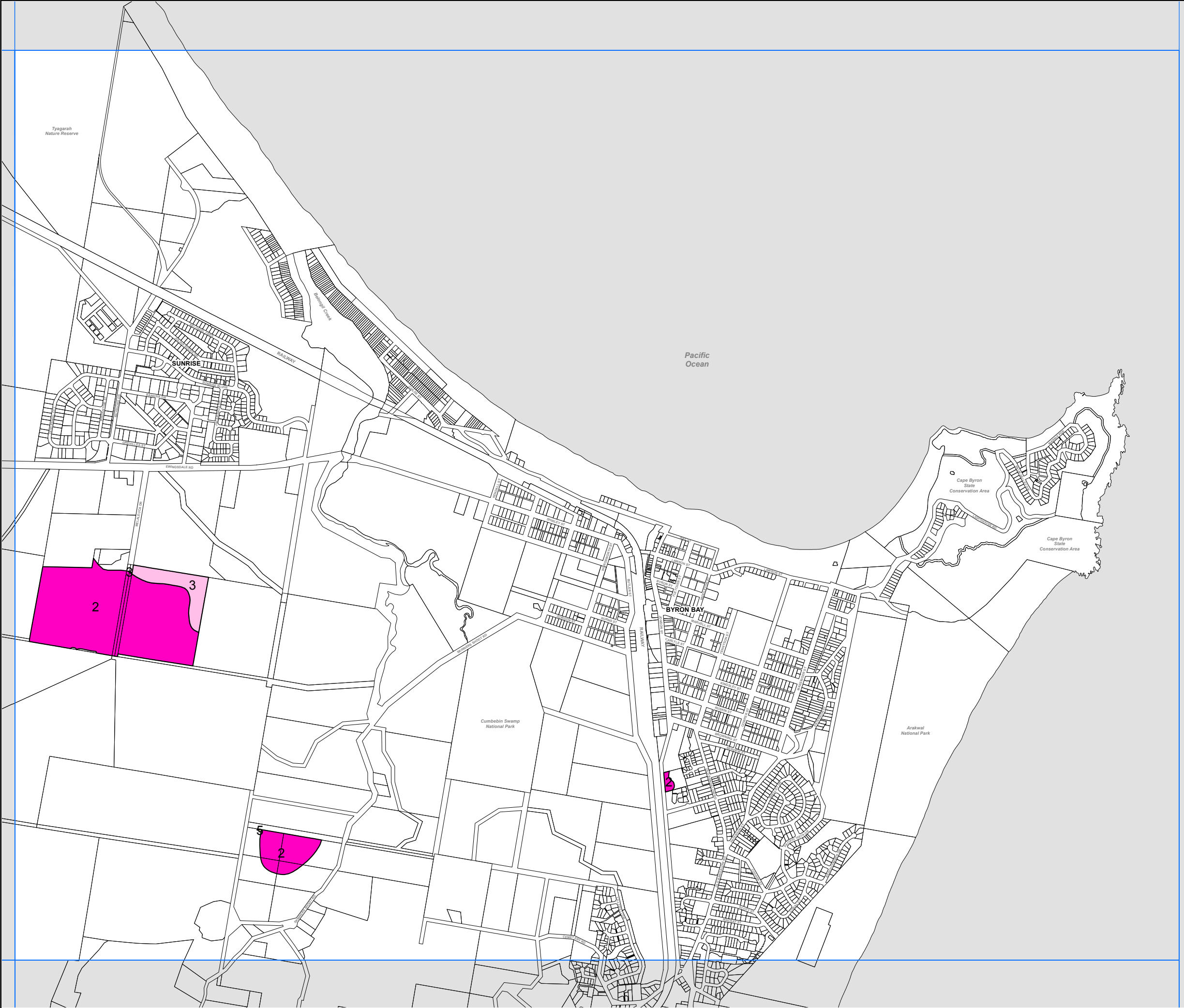
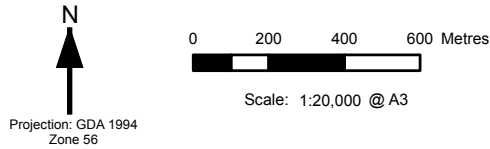
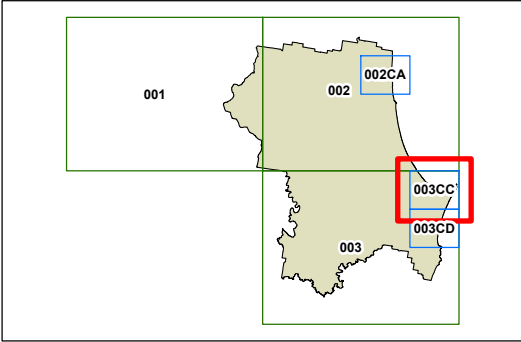


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Environmental
Plan 2014
(Gateway)**

Acid Sulfate Soils Map -
Sheet ASS_003CC

Land Parcels

- Class
- 1 Class 1
 - 2 Class 2
 - 3 Class 3
 - 4 Class 4
 - 5 Class 5



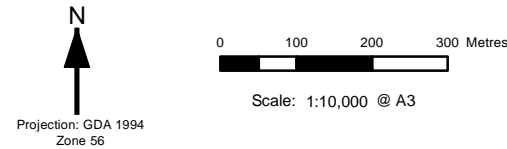
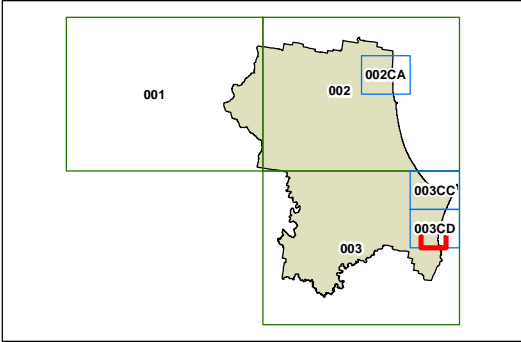
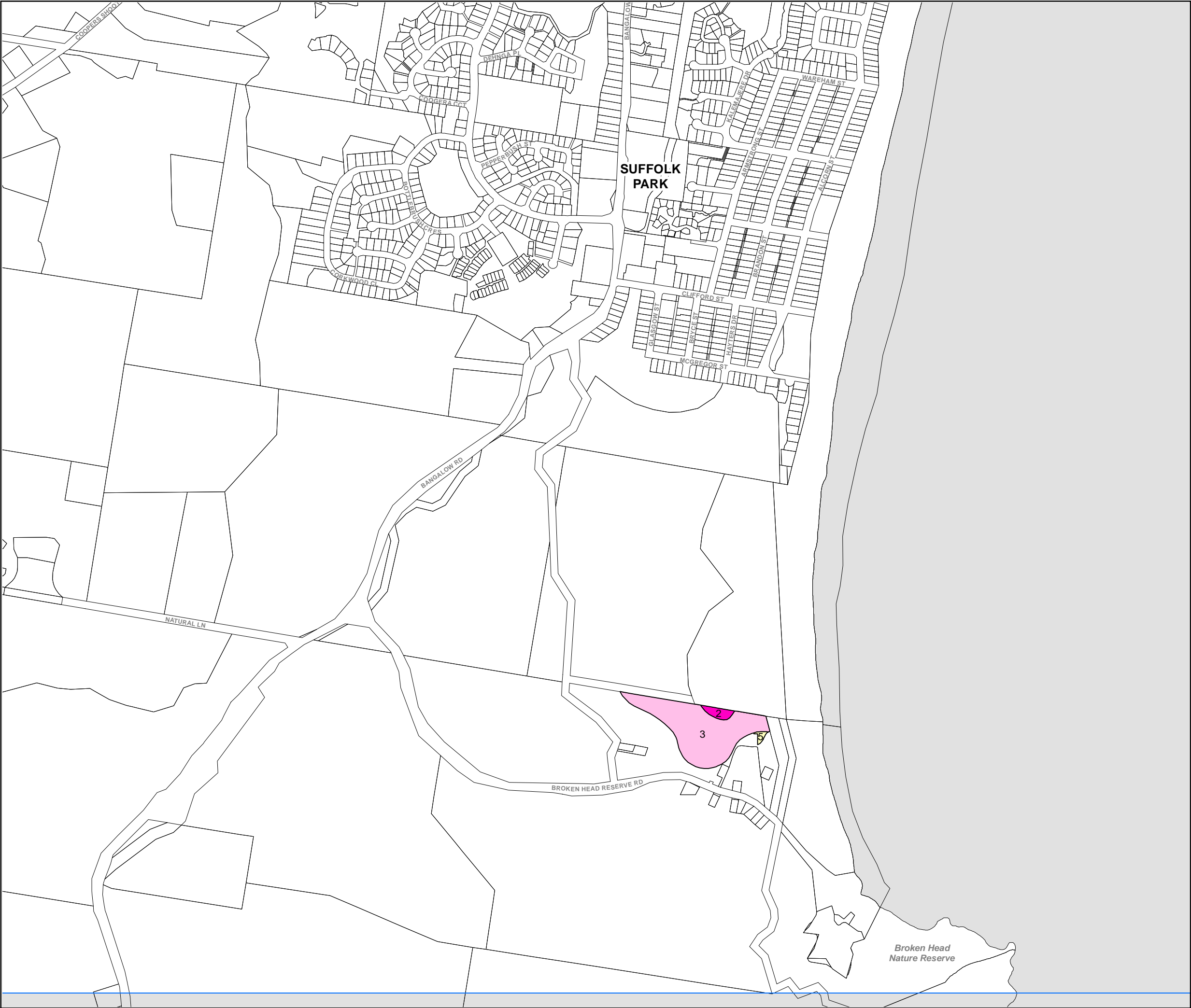


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Plan 2014
(Gateway)**

Acid Sulfate Soils Map -
Sheet ASS_003CD

Land Parcels

- Class
- 1 Class 1
 - 2 Class 2
 - 3 Class 3
 - 4 Class 4
 - 5 Class 5





Date: 29/06/2018

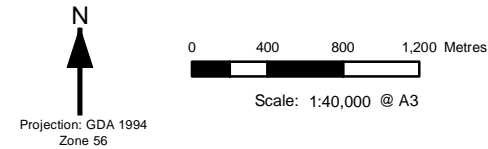
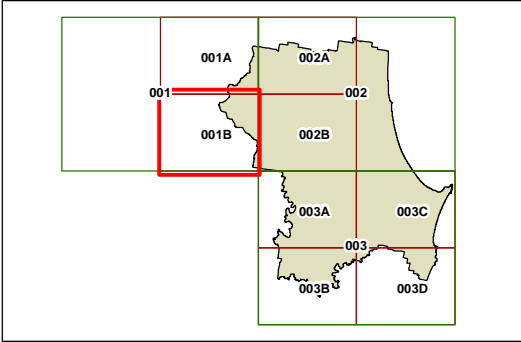
Drinking Water Catchment Maps:



**Byron Local
Environmental
Plan 2014
(Gateway)**

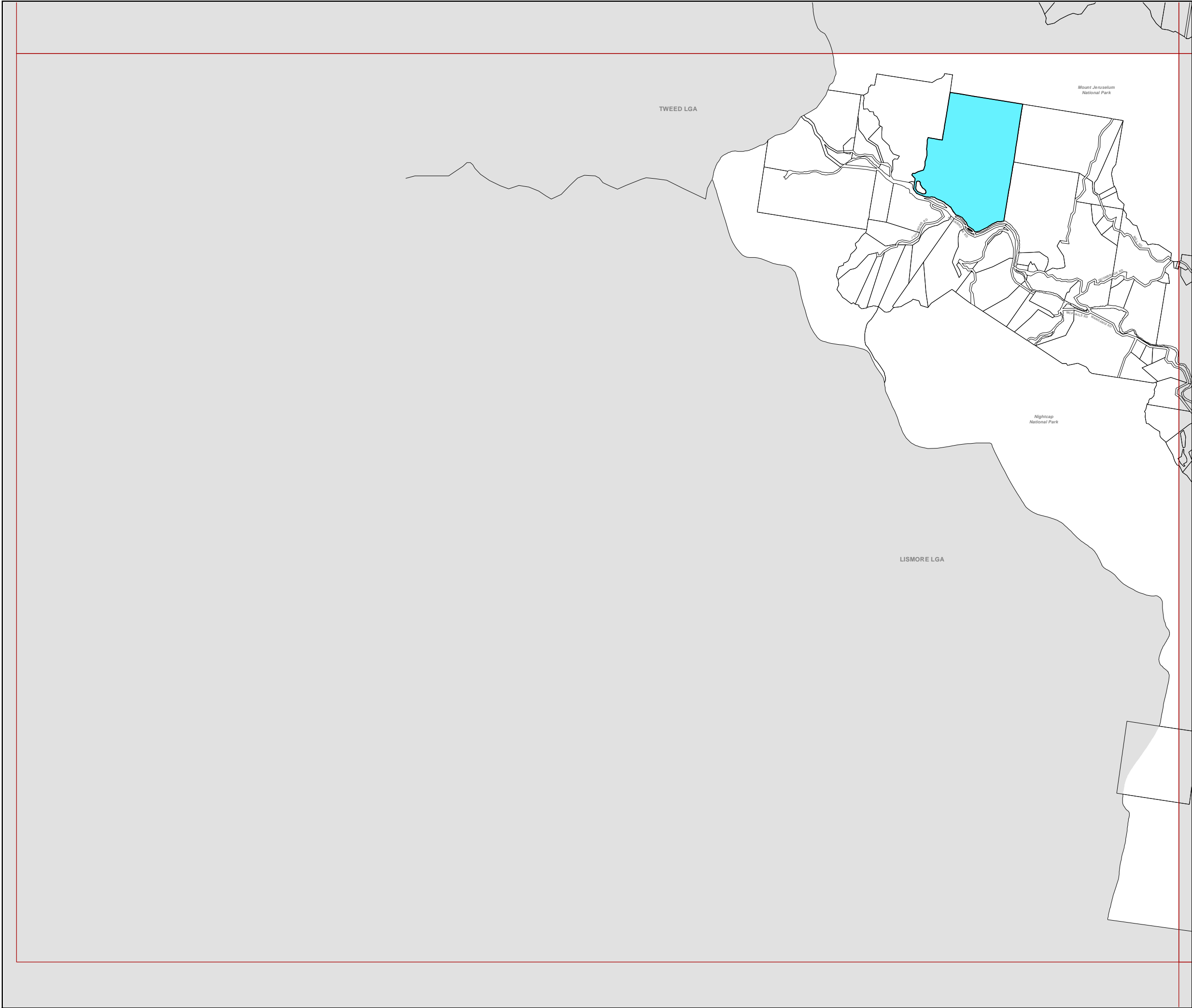
**Drinking Water Catchment Map -
Sheet DWC_001B**

-  Land Parcels
- Drinking Water Catchment**
-  Drinking Water Catchment



Projection: GDA 1994
Zone 56

Date: 29/06/2018

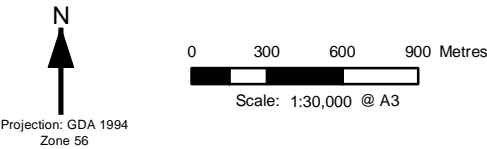
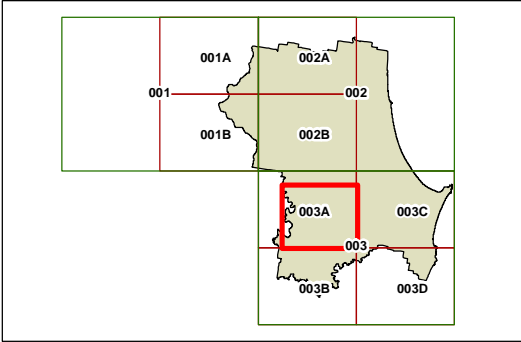
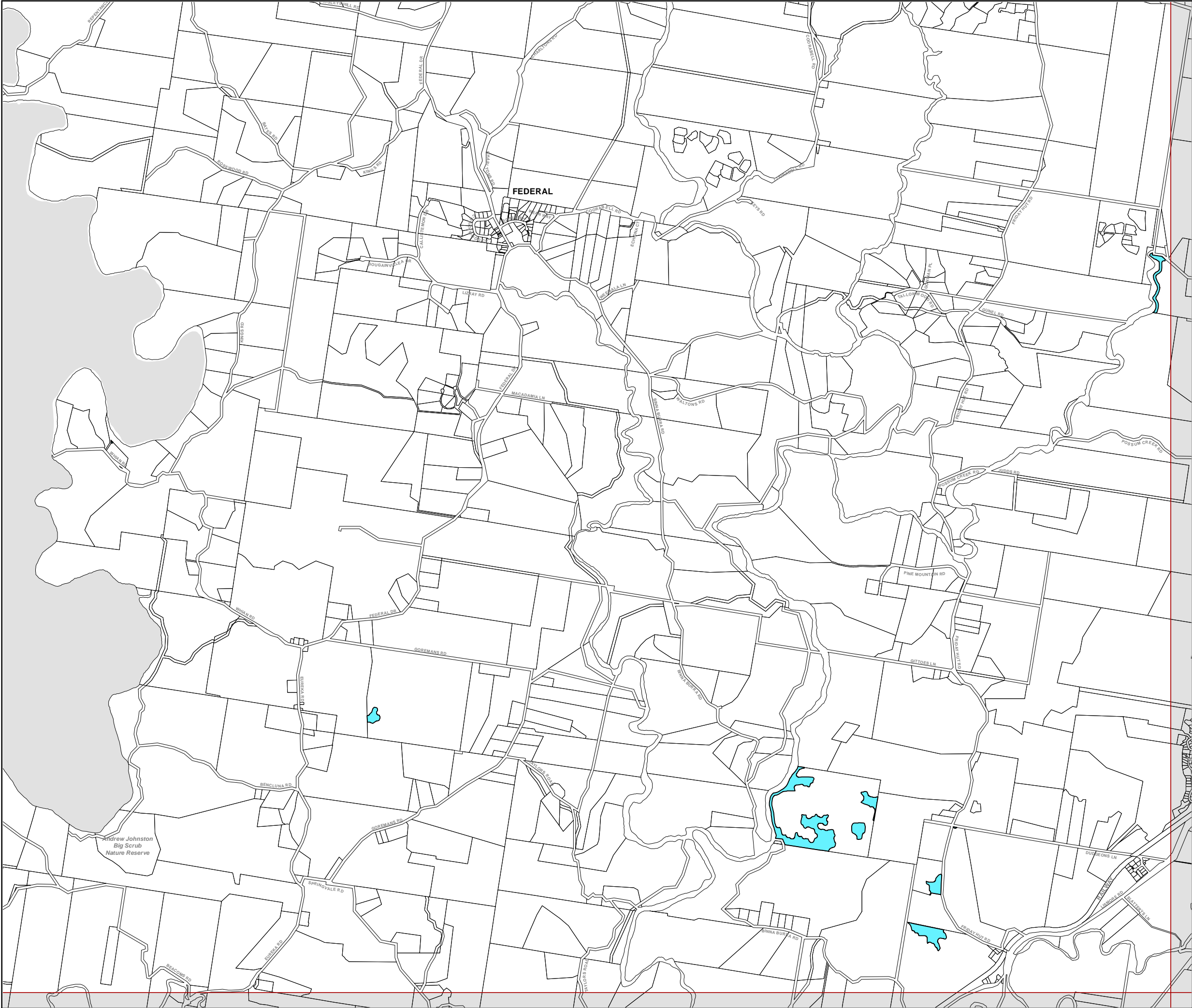




**Byron Local
Environmental
Plan 2014
(Gateway)**

Drinking Water Catchment Map -
Part Sheet DWC_003A

- Land Parcels
- Drinking Water Catchment

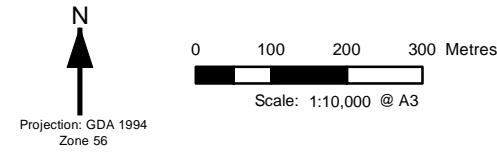
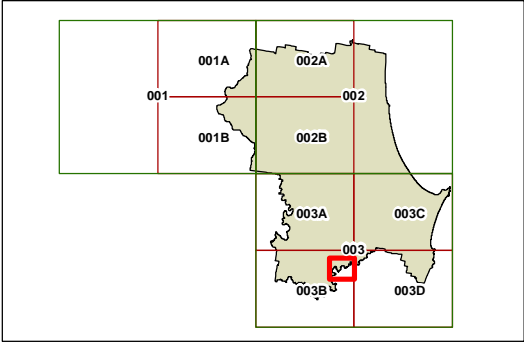




**Byron Local
Environmental
Plan 2014
(Gateway)**

Drinking Water Catchment Map -
Part Sheet DWC_003B

- Land Parcels
- Drinking Water Catchment**
- Drinking Water Catchment

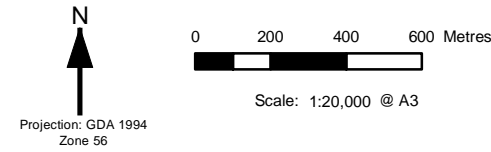
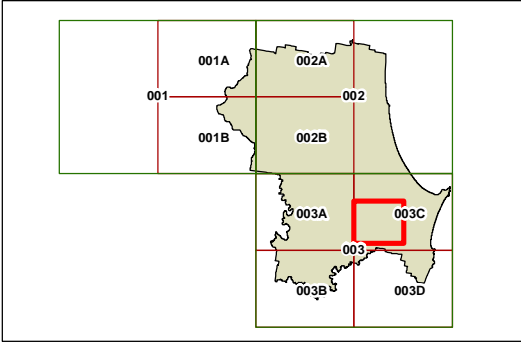




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Environmental
Plan 2014
(Gateway)**

Drinking Water Catchment Map -
Part Sheet DWC_003C

- Land Parcels
- Drinking Water Catchment**
 Drinking Water Catchment

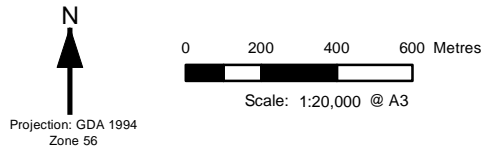
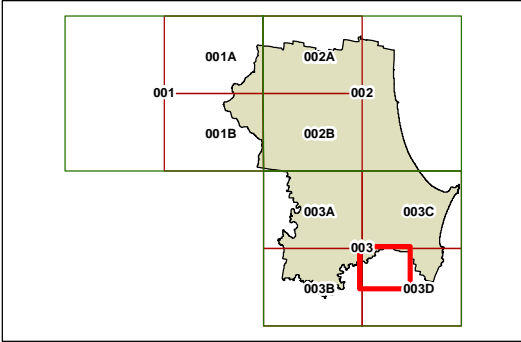
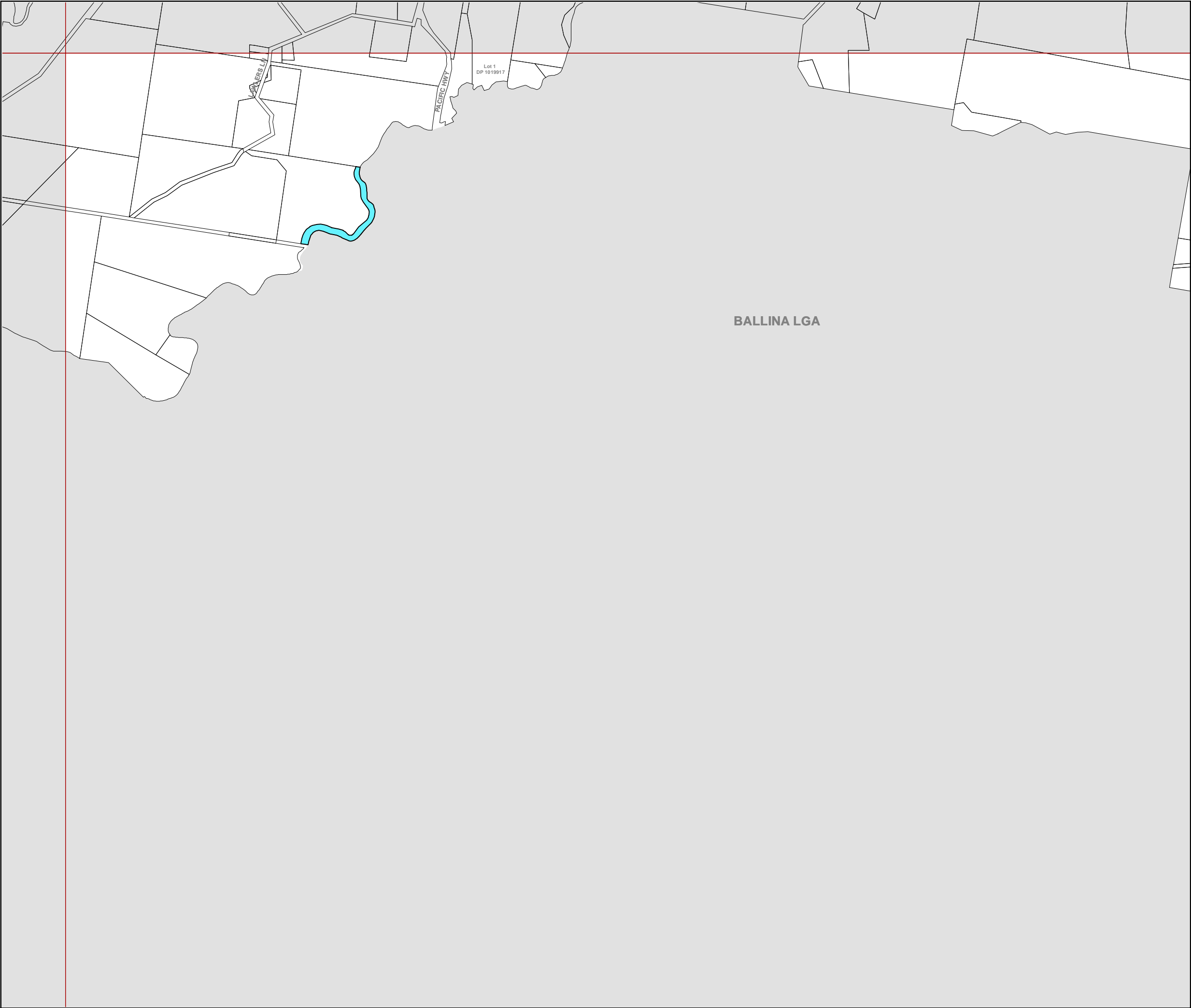




**Byron Local
Environmental
Plan 2014
(Gateway)**

Drinking Water Catchment Map -
Part Sheet DWC_003D

- Land Parcels
- Drinking Water Catchment**
 Drinking Water Catchment





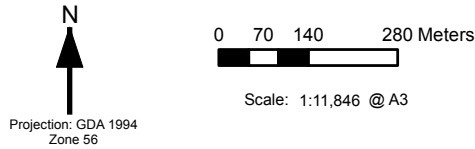
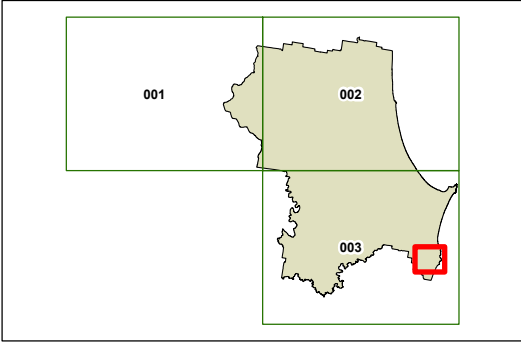
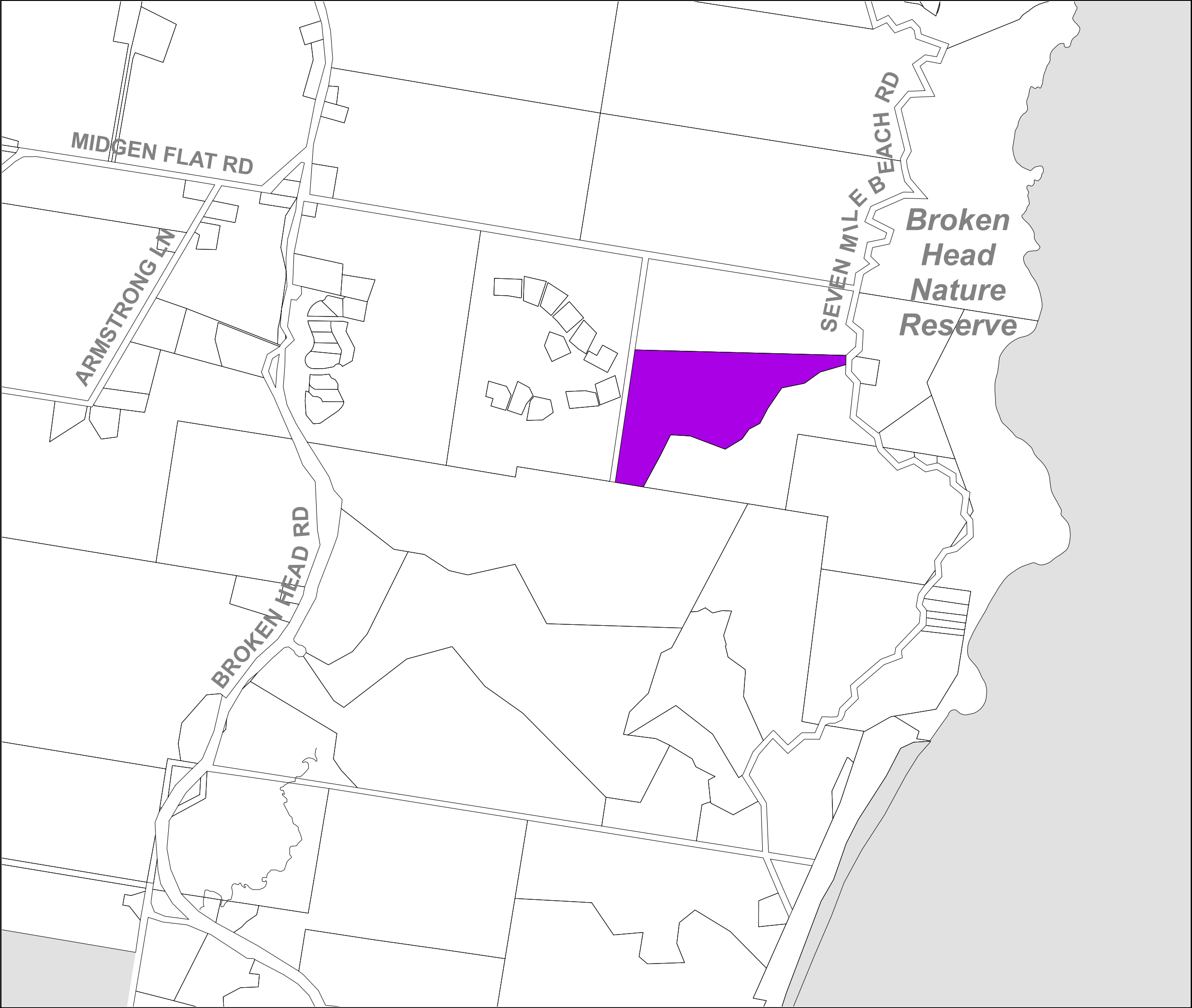
Multiple Occupancy and Community Title Map



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Plan 2014
(Gateway)**

Multiple Occupancy and
Community Title Map -
(Part) Sheet MOC_003

-  Land Parcels
-  Community Title



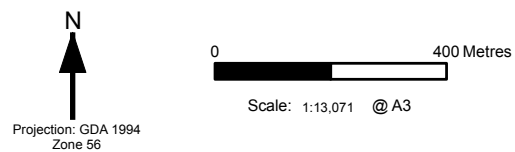
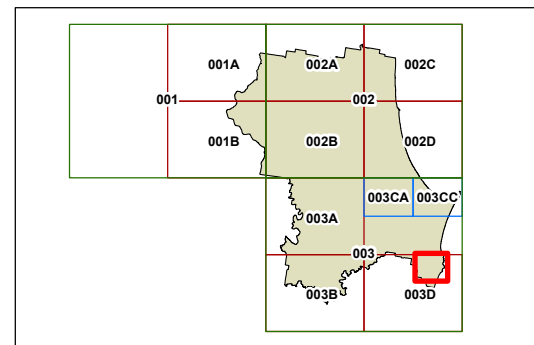
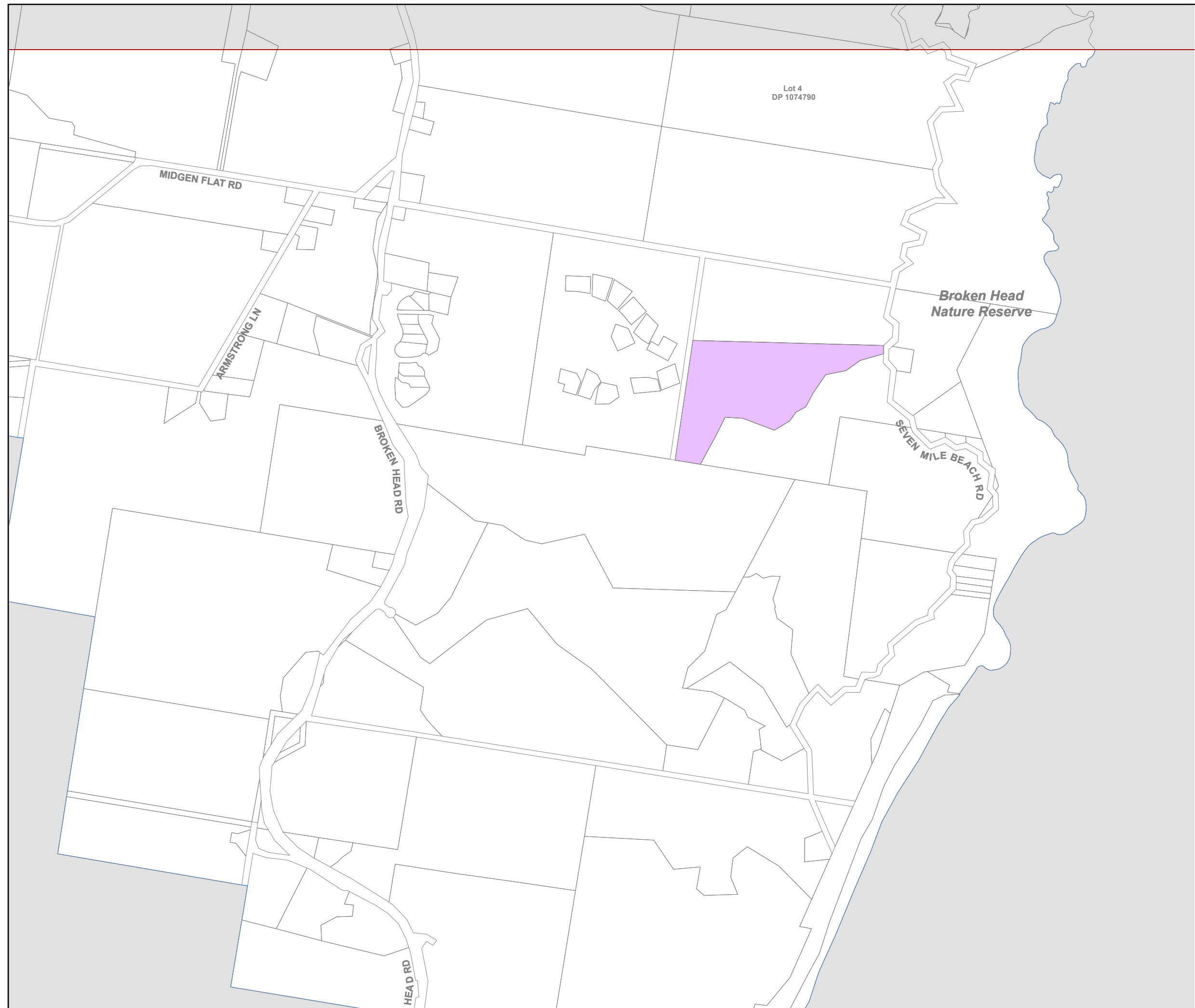
Additional Permitted Uses Map



Byron Local Environmental Plan 2014 (Gateway)

Additional Permitted Uses Map -
(Part) Sheet APU_003D

- Land Parcels
- Additional Permitted Use



Date: 29/06/2018