



PLANNING PROPOSAL

RECLASSIFICATION OF LAND FROM COMMUNITY TO OPERATIONAL – INTERESTS CHANGED

LOTS 15 AND 16 DP 1178892 DINGO LANE, MYOCUM

30 May 2014

(E2014/32308)

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INTRODUCTION

The intended outcome of the instrument proposed by this Planning Proposal is that the public land owned by Council and known as Lot 15 and Lot 16 DP 1178892, Dingo Lane Myocum (the “Land”):

- (a) is classified as “operational” in accordance with Part 2 of Chapter 6 of the Local Government Act 1993 (“LG Act”); **and**
- (b) ceases to be a public reserve (if it is a public reserve); **and**
- (c) is discharged from any trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the Land or any part of the Land, except for:
 - (i) any reservations that except the Land out of a Crown grant relating to the Land, and
 - (ii) reservations of minerals (within the meaning of the Crown Lands Act 1989).

The Planning Proposal has been prepared with reference to the provisions of the LG Act, the Environmental Planning and Assessment Act 1979, and the Department of Planning and Environment’s Guidelines “A guide to preparing planning proposals” and “A guide to preparing local environmental plans”.

BACKGROUND

The Land was purchased by Byron Shire Council and more specifically, Council’s Waste Reserves Fund, in 2012. With reference to Council’s Financial Sustainability Project Plan (FSPP) adopted 9 May 2013:

- Lot 15 is understood to have strategic significance to the progression of the Myocum Quarry Landfill project (a proposed extension of the existing Myocum Tip, westwards in the direction of Lot 15), being part of the buffer surrounding the Tip, and is earmarked to be retained; and
- Lot 16 may ultimately be sold.

Council did not, within 3 months after it acquired the Land, resolve that the Land be classified as either community land or operational land. Accordingly the Land is taken to have been classified under a local environmental plan (by default) as community land in accordance with section 31 of the LG Act. Council is exploring options for future use / sale of the Land and at its meeting on 10 April 2014 resolved (Part 3 (and relevantly part (b)) of the resolution relates to the Land and is the subject of this Planning Proposal):

1. *That Council note that this report being a late report will not compromise the community’s knowledge of or ability to participate in the decision-making on this matter because, if it proceeds, there will need to be extensive community consultation and many opportunities to make submissions to Council and at Council meetings.*
2. *That a planning proposal be prepared and submitted to the NSW Minister for Planning & Infrastructure in accordance with Division 4 of Part 3 of the Environmental Planning and Assessment Act 1979 and Sections 27(1) and 30 of the Local Government Act 1993 for the making of a local environmental plan to classify or reclassify the said land as operational land and to make provision to the effect that, on commencement of the plan, the land, if it is a public reserve, ceases to be a public reserve, and that the land is by operation of the plan discharged from any trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except for:*
 - (i) any reservations that except land out of a Crown grant relating to the land, and*
 - (ii) reservations of minerals (within the meaning of the Crown Lands Act 1989).*

3. *That the same process as set out in 2. be pursued as required, in the same planning proposal or in concurrent planning proposal/s, for the following land:*
 - (a) Lot 1, DP952598, Vallances Road Mullumbimby
 - (b) Lots 15 & 16, DP1178892, Dingo Lane Myocum
 - (c) Lot 10, DP850902, Station St, Mullumbimby (Administration Centre)
 - (d) Lot 1, DP435267, Station St, Mullumbimby (Old Telstra site)
 - (e) Lot 4, DP841856, Mill St, Mullumbimby
 - (f) Lot 12, DP267109, Bayshore Drive, Byron Bay
 - (g) Lot B, DP 372589, Corner Lawson & Fletcher Sts, Byron Bay
4. *That it be noted that as a result of delay to the Roundhouse project, infrastructure projects, including Ocean Shores infrastructure projects, that were proposed to be funded from the proceeds of sale of the Roundhouse land, will now be delayed, or may not be able to be delivered depending on the outcome of the LEP amendment process.*

The FSPP advises as follows:

The Waste Reserves will be under pressure due to the Quarry Landfill project which is potentially the largest capital project that will be progressed during this term of Council. In addition, the waste haulage and disposal contract and the introduction of programs like the kerbside organics collection service are placing upward pressure on service pricing. Sale of the available land holdings at a prudent time will assist with the capital necessary to fund this major program of work.

Section 5.8 Actions for Land Holdings of the FSPP further advises in this regard as follows:

Waste Reserves

4. *Following approval of the Quarry Landfill, utilize the Manse Road properties and Dingo Lane property to fund in part the construction of this major project.*

The Action Implementation Plan of the FSPP indicates the following in relation to the Land:

15. *Lot 15 (included the 'Bower Cottage') Dingo Lane Myocum - Council has resolved to progress the Quarry landfill project and the EIS, DA and assessment process will proceed throughout 2013 with project approval achievable in 2014. If the Quarry landfill is implemented it is unlikely this property will ever be sold.*
16. *Lot 16 Dingo Lane Myocum - If Council achieves project approval for the Quarry landfill, the future retention of this property should be carefully considered with a view to potential sale.*

The Land needs to be reclassified from community land to operational land in order for the Land to be used and / or sold in accordance with the FSPP.

DETAILS OF THE LAND AND LOCALITY

The Land is situated within an area of rural land approximately 3km to the south of the Mullumbimby CBD. The Land has a total area of 80 hectares with 40 hectares in each lot. The Land is currently within 4 rural zones, including:

- Lots 15 & 16:** Zone No. 1(a) – (General Rural Zone), shown hatched
 Zone No. 1(b1) – (Agricultural Protection (b1) Zone)
 Zone No. 1(d) – (Investigation Zone)
- Lot 16 only:** Zone No. 1(c1) – (Small Holdings (c1) Zone)

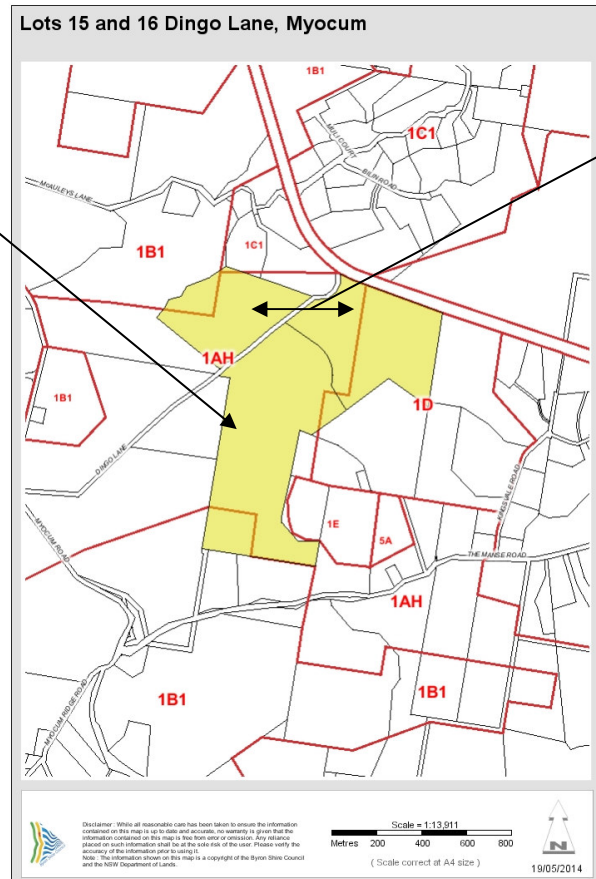
under Byron Local Environmental Plan 1988 (the LEP) – refer to LEP zoning map extract below. Lots 15 and 16 were created (along with 2 other approved lots) by the subdivision of 3 existing lots into 4 lots approved under the consent to Development Application No. 10.2006.578.1 dated 5 February 2007. The report on DA 10.2006.578.1 indicated that Lots 15 and 16 each have a dwelling entitlement.

Lot 15 is allocated street number 1 Dingo Lane whereas Lot 16 has not been allocated a street number. Dingo Lane is unsealed adjacent to the Land.

The Land is within proposed Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone R5 Large Lot Residential and an area identified as “Deferred Matter” (previously Zone E2 Environmental Conservation) under Draft Byron Local Environmental Plan 2014 (the Draft LEP). There is no public land identified for reclassification in Schedule 4 of the Draft LEP.

Lot 15

Lot 16



LEP Zone Map extract

Lot 15 accommodates a dwelling-house in the south western corner and the remainder is grazing land. Lot 15 adjoins the south eastern side of Dingo Lane and is to the western side of Council’s Myocum Tip. A right of carriageway runs approximately parallel to the north eastern boundary of Lot 15 providing access to Lot 17 DP 1178892 to the east.

Lot 16 is split into two parts by Dingo Lane, one part being to the north west and the other part being to the south east of the Lane. Restrictions on use applying to the western part of Lot 16 provide for a building envelope and an effluent disposal area, and there is a short 20m wide easement for overhead powerlines near the north western side of Lot 16. The northern boundary of the eastern part of Lot 16 adjoins the corridor of the former Casino – Murwillumbah Rail Line.

Refer to the photograph and aerial photograph provided in **Attachment A** to this Planning Proposal.

PART 1 OBJECTIVES AND INTENDED OUTCOMES OF THE PROPOSED INSTRUMENT

The **intended outcome** of the instrument proposed by this Planning Proposal is the Land:

- (a) is classified as “operational” in accordance with Part 2 of Chapter 6 of the Local Government Act 1993 (“LG Act”); **and**

- (b) ceases to be a public reserve (if it is a public reserve); **and**
- (c) is discharged from any trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the Land or any part of the Land, except for:
 - (i) any reservations that except the Land out of a Crown grant relating to the Land, and
 - (ii) reservations of minerals (within the meaning of the Crown Lands Act 1989).

Intended outcomes (b) and (c) require the Governor's approval under section 30 of the Local Government Act 1993, which is sought by the Department before the Minister makes the proposed instrument.

PART 2 EXPLANATION OF PROVISIONS TO BE INCLUDED IN THE PROPOSED INSTRUMENT

- (1) If the Draft LEP has been made by the time the proposed instrument is to be made, the provisions to be included in the proposed instrument would be to the effect that the Draft LEP is amended to insert:

- (a) under Column 1 of Part 2 of Schedule 4:

Myocum
Dingo Lane
Dingo Lane

- (b) under Column 2 of Part 2 of Schedule 4:

Lot 15, DP 1178892
Lot 16, DP 1178892

- (c) and under Column 3 of Part 2 of Schedule 4:

Nil
Nil

-
- (2) If the Draft LEP has not been made by the time the proposed instrument is to be made, the provisions to be included in the proposed instrument would be to the effect that Byron Shire Local Environmental Plan 1988 is amended to insert:

- (a) under Column 1 of Part 3 of Schedule 11:

Myocum
Dingo Lane
Dingo Lane

- (b) under Column 2 of Part 3 of Schedule 11:

Lot 15, DP 1178892
Lot 16, DP 1178892

- (c) and under Column 3 of Part 3 of Schedule 11:

Nil
Nil

Possible provisions to be included in the proposed instrument are provided in **Attachment B** of this Planning Proposal.

It may be possible for the proposed instrument relating to the Land to be combined with the proposed instrument relating to Lot 1 DP 952598 Vallances Road, Mullumbimby. The relevant Planning Proposals may be able to be processed concurrently by the Department of Planning & Environment.

PART 3 JUSTIFICATION FOR OBJECTIVES, OUTCOMES AND IMPLEMENTATION PROCESS

Section A – Need for the Planning Proposal

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

The Planning Proposal reflects Council's potential intention to sell Lot 16 and use Lot 15 (both unencumbered except for the reservations mentioned above) in accordance with the FSPP. The sale, if it proceeds, is intended to assist with generating reserves to fund future infrastructure projects.

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

Amending the Draft LEP or LEP in the manner proposed is the best, most efficient and most time effective approach to delivering the objective and intended outcomes of the Planning Proposal. The proposed amendment provides certainty that the Land:

- (a) is reclassified from community land to operational land;
- (b) ceases to be a public reserve to the extent (if any) that it is a public reserve; and
- (c) is discharged from any trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the Land or any part of the Land to the allowable extent except for the above mentioned reservations.

Section B – Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

The Planning Proposal is consistent with the objectives and actions of the Far North Coast Regional Strategy insofar as they relate to this Land within the rural area surrounding Mullumbimby, because the proposed instrument will:

- (a) not change the zoning of the Land, but changes the classification of the Land to operational so that options for the Land can be explored including possible use / sale;
- (b) not have a significant effect in terms of environmental, agricultural, farmland, vegetation, habitat, areas of high biodiversity value, waterway, wetland, coastline, heritage, water and energy resources, landscape values (including scenic and cultural landscapes) or natural hazards;
- (c) not change the location of planned development;
- (d) not have a significant effect in terms of extractive resources;
- (e) allow the sale and / or use of the Land in a manner which reflects the objectives of the relevant zones; and
- (f) fit into the rural character of this part of the locality.

Q4. Is the planning proposal consistent with Council's local strategy or other local strategic plan?

The Planning Proposal is consistent with the key community outcomes and strategies of Council's Draft Community Strategic Plan 2022.

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

The Planning Proposal is consistent with applicable State Environmental Planning Policies (SEPP) which include:

SEPP 14 – Coastal Wetlands

The Land does not contain nor adjoin any SEPP 14 wetlands.

SEPP 19 – Bushland in Urban Areas

The Land does not contain nor adjoin, and the Planning Proposal does not propose to disturb, any bushland zoned or reserved for public open space purposes.

SEPP 26 – Littoral Rainforest

The Land does not contain nor adjoin any SEPP 26 littoral rainforest.

SEPP 44 – Koala Habitat Protection

The Planning Proposal will not impact on the koala habitat indicated on Council's GIS located towards the eastern and northern parts of the Land. The Planning Proposal will not result in any disturbance to the Land.

SEPP 55 – Remediation of Land

Council's Environmental Health Officer advised in relation to DA 10.2006.578.1 with respect to contamination as follows:

"Information submitted by the applicant satisfies Clause 7 of SEPP 55, and therefore the proposed development site is considered to be suitable for the intended use."

This issue may need to be further addressed pursuant to the provisions of SEPP 55 at such time as a development application, proposing the carrying out of development potentially affected by contamination on the Land, is submitted for consideration.

SEPP 71 – Coastal Protection

The Planning Proposal is consistent with the provisions of SEPP 71 relating to LEP preparation.

SEPP (Infrastructure) 2007

The Planning Proposal is not contrary to the provisions of SEPP (Infrastructure) 2007.

North Coast Regional Environmental Plan

The Planning Proposal is consistent with the provisions of the North Coast Regional Environmental Plan. In particular, the Planning Proposal will not have a significant impact upon the prime crop and pasture land that is on the Land and will not have a significant impact with respect to rural dwellings. The Planning Proposal will not have a significant impact in terms of strategic planning or environmental hazard considerations.

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

The Planning Proposal is consistent with applicable Ministerial Directions as follows:

1. Employment and Resources

1.2 Rural Zones; and

1.5 Rural Lands

No change is proposed which would affect the existing or proposed rural zoning of the Land. The Planning Proposal allows the use and / or sale of the Land so that it may be developed in accordance with the objectives of the existing or proposed zones.

2. Environment and Heritage 2.2 Coastal Protection The Planning Proposal is consistent with the relevant principles outlined in the NSW Coastal Policy. 2.3 Heritage Conservation The Land is not identified as having heritage significance with reference to the LEP, the Draft LEP or Council's Community Based Heritage Study.
4. Hazard and Risk 4.1 Acid Sulfate Soils The Land includes a large area of Class 3 / 4 Acid Sulfate Soils in the central low lying areas, under the LEP and Draft LEP. However the Planning Proposal will not result in or require any works that may have an impact on acid sulfate soils. 4.3 Flood Prone Land The Land is predominantly flood liable land. However the Planning Proposal does not require any ameliorative measures to address the flood liable hazard characteristics of the Land. 4.4 Planning for Bushfire Protection Parts of the Land are bush fire prone land, however the Planning Proposal has no significant implications with respect to this environmental hazard.
5. Regional Planning 5.1 Implementation of Regional Strategies The Planning Proposal is consistent with the Far North Coast Regional Strategy's relevant aims, outcomes and actions.
6. Local Plan Making 6.1 Approval and Referral Requirements The Planning Proposal outlines relevant community consultation requirements, but does not introduce any additional concurrence or referral requirements and does not relate to designated development.

The purpose of NSW Planning & Infrastructure's Practice Note 09-003 *Classification and reclassification of public land through a local environmental plan* dated 12 June 2009 is to provide updated guidance on the process to classify or reclassify public land through a local environmental plan. A written statement is to be provided addressing the following:

- *The reasons why the draft LEP or planning proposal is being prepared including the planning merits of the proposal, e.g. the findings of a centres' strategy, council's intention to dispose of the land, provision of open space in a town centre*

The Planning Proposal is prepared to facilitate Council's potential intention to use / sell the Land. The proposed instrument is necessary to provide the required degree of certainty in relation to proceeding with options like selling the Land under the FSPP.

- *The current and proposed classification of the land*

The Land is currently community land. The Land is proposed to be reclassified to either: (i) operational **Land classified, or reclassified, as operational land—interests changed** under Part 2 of Schedule 4 of the Draft LEP; or (ii) operational **Land classified, or reclassified, under amended section 30 of Local Government Act 1993—interests changed** under Part 3 of Schedule 11 of the LEP, whichever instrument applies at the time of the making of the proposed instrument.

- *The reasons for the reclassification including how this relates to council's strategic framework, council's proposed future use of the land, proposed zones, site specific requirements, e.g. heritage controls, anticipated physical or operational changes resulting from the reclassification*

The reclassification accords with the existing and proposed zones. The reclassification results in no physical change to the Land. The reclassification provides certainty to the community and potential purchasers as to the status of the Land, facilitates the potential use / sale of the Land and may assist with providing funding for the infrastructure projects referred to in part 3 of the Council's resolution dated 10 April 2014.

- *Council's ownership of the land, if this applies*

The Land is currently in Council's ownership. Council may decide to sell all or (more likely) part of the Land to fund future infrastructure projects.

- *The nature of council's interest in the land, e.g. council has a 50 year lease over the site*

Council has owned the Land since 2012 and may decide to use / sell the Land.

- *How and when the interest was first acquired, e.g. the land was purchased in 20XX through section 94*

Council purchased the Land in 2012.

- *The reasons council acquired an interest in the land, e.g. for the extension of an existing park; council was given responsibility for the land by a State agency*

Council purchased the Land in 2012 through Council's Waste Fund, in relation to the Myocum Tip.

- *Any agreements over the land together with their duration, terms, controls, agreement to dispose of the land, e.g. whether any aspect of the draft LEP or planning proposal formed part of the agreement to dispose of the land and any terms of any such agreement*

The Land may be subject to rental agreements relating to the dwelling or agistment agreements in relation to animal grazing. However the proposed instrument will provide clarity and certainty that the Land:

- (a) is classified as "operational" in accordance with Part 2 of Chapter 6 of the Local Government Act 1993 ("LG Act"); **and**
- (b) ceases to be a public reserve (if it is a public reserve); **and**
- (c) is discharged from any trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the Land or any part of the Land, except for:
 - (j) any reservations that except the Land out of a Crown grant relating to the Land, and
 - (ii) reservations of minerals (within the meaning of the Crown Lands Act 1989).

- *An indication, as a minimum, of the magnitude of any financial gain or loss from the reclassification and of the type(s) of benefit that could arise e.g. council could indicate the magnitude of value added to the land based on comparable sites such as the land is currently valued at \$1500 per square metre, nearby land zoned for business development is valued at between \$2000 and \$5000 per square metre.*

Council purchased the Land in relation to the adjoining Myocum Tip, however Council may decide to use or sell the Land. The purpose of the Planning Proposal is to facilitate a process of confirming that the Land is not a public reserve and expunging any trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the Land or any part of the Land. The reclassification of the Land provides certainty for the community in relation to the:

- (a) operational land classification of the Land;
 - (b) cessation of any public reserve applying to the Land or any part of the Land; and
 - (c) discharging of any trusts, estates, interests, dedications, conditions, restrictions or covenants affecting the Land or any part of the Land, except for:
 - (i) any reservations that except the Land out of a Crown grant relating to the Land, and
 - (ii) reservations of minerals (within the meaning of the Crown Lands Act 1989).
- *The asset management objectives being pursued, the manner in which they will be achieved and the type of benefits the council wants, i.e. without necessarily providing details of any possible financial arrangements, how the council may or will benefit financially.*

The Land was not constrained by a community classification when it was purchased by Council from the previous private owner. The reclassification of the Land would allow Council to consider future options in accordance with FSPP. Funds from any sale of any part of the Land are able to be reinvested to increase Council's infrastructure management capacity.

- *Whether there has been an agreement for the sale or lease of the land; the basic details of any such agreement and, if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time.*

There is presently no agreement entered into to sell or lease all or part of the Land, except possibly in relation to renting of the dwelling and / or agistment for grazing purposes. However the reclassification of the Land provides certainty for the community in relation to the:

- (a) operational land classification of the Land;
 - (b) cessation of any public reserve applying to the Land or any part of the Land; and
 - (c) discharging of any trusts, estates, interests, dedications, conditions, restrictions or covenants affecting the Land or any part of the Land, except for:
 - (i) any reservations that except the Land out of a Crown grant relating to the Land, and
 - (ii) reservations of minerals (within the meaning of the Crown Lands Act 1989).
- *Relevant matters required in plan making under the EP&A Act.*

This Planning Proposal addresses the relevant matters required in plan making under the Environmental Planning and Assessment Act 1979.

- *A copy of this practice note must be included in the exhibition material to assist the community in identifying information requirements. Council staff may wish to identify the column in Attachment 1 that applies.*

A copy of the relevant Practice Note will be included, if required at the relevant time, in the exhibition material.

Section C – Environmental, social and economic impact

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

Council's GIS mapping indicates that the Land contains high conservation value vegetation, threatened fauna habitat and koala habitat in the vicinity of the allotment boundaries mainly to the north eastern corner. The GIS mapping does not indicate that the Land contains SEPP 14 wetland and SEPP 26 littoral rainforest. Parts of the Land have been disturbed by past activities associated with the use of the Land for residential, agricultural and associated activities. The proposed reclassification is unlikely to have a significant effect on any critical habitat or 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?

There are no known significant likely environmental effects as a result of the Planning Proposal.

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

The Planning Proposal is unlikely to cause any significant social or economic impacts.

Section D – State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

No further services are required as a result of the proposed reclassification.

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

The views of State and Commonwealth public authorities would be considered (where required) after the public exhibition process is completed.

PART 4 MAPPING

The Planning Proposal includes the LEP and Draft LEP zoning map extracts to identify the Land. It is anticipated that the proposed instrument will not require maps.

PART 5 COMMUNITY CONSULTATION

Council has not undertaken, and is not required to undertake, any pre-planning proposal consultation. The Gateway determination will specify the community consultation that must be undertaken on the Planning Proposal. The exhibition period is likely to be either 14 or 28 days in length and the relevant material will be made available for public inspection during the exhibition period as specified in NSW Planning & Infrastructure's *A guide to preparing local environmental plans*.

A public hearing must be arranged in respect of this Planning Proposal in accordance with section 29 of the LG Act because the proposal is to reclassify community land as operational land. Council will consider any submissions made concerning the Planning Proposal and the report of the public hearing into the proposed LEP.

PART 6 PROJECT TIMELINES

An indicative project timeline is provided below, noting that:

1. The timeframes for each stage in the project are approximate only;
2. The timeframes are not necessarily concurrent; and
3. There may be substantial intervening periods between each stage in the project.

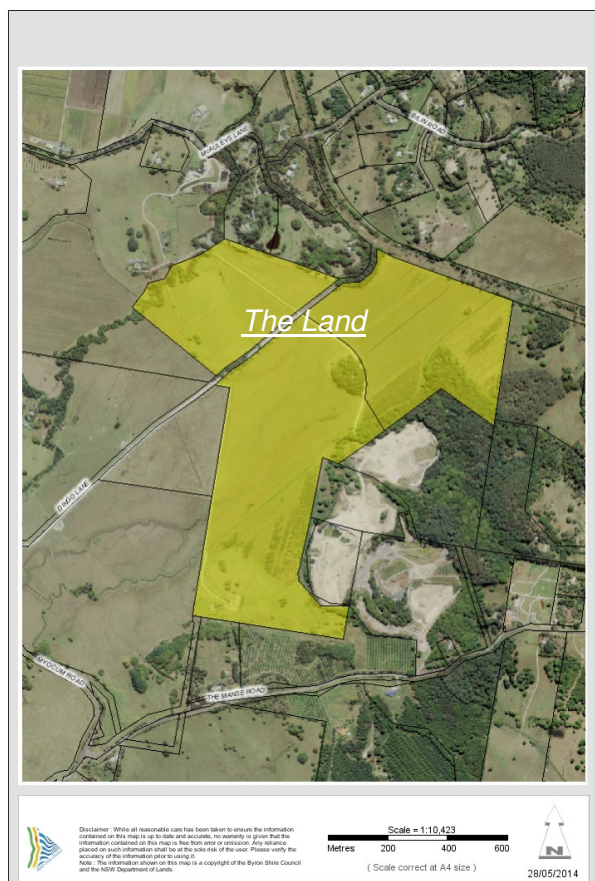
Indicative Stages	Indicative Timeframe
Council forwards the Planning Proposal to the Department. The Department carries out the Gateway assessment and returns the Planning Proposal with the Gateway determination to Council (section 56 of EP Act).	14 days 56 days
Completion of required technical information after receipt of Gateway determination, including preparation for community consultation. [The stages after the Gateway determination may be varied by the Gateway determination].	35 days
Community consultation (including public exhibition) for Planning Proposal (section 57 of EP Act).	Public exhibition 14 days or 28 days (or other period as specified in the gateway determination)
Preparation for and conducting of public hearing (section 29 of LG Act), by a person other than a Councillor or employee (section 47G of LG Act). Preparation of report on public hearing by the person presiding at the public hearing (section 57(7) of EP Act). The report is to be made available by Council for inspection no later than 4 days after Council has received the report (section 47G of LG Act).	56 days
Report to Council on outcome of community consultation and public hearing, to recommend any amendments to the Planning Proposal post-exhibition and to seek a resolution to adopt the Planning Proposal, to be forwarded along with relevant supporting information to the Department requesting that the proposed instrument be prepared.	42 days
Department makes arrangements for the proposed instrument to be prepared by PCO.	21 days
Approval of the Governor obtained by the Department / PCO (section 30 of LG Act), content of proposed instrument finalised by PCO, an opinion issued by PCO that the proposed instrument can be made and Council advised by the Department accordingly.	28 days
The proposed instrument is published on the legislation website and becomes effective.	

Note: 'EP Act' means Environmental Planning and Assessment Act 1979, 'LG Act' means Local Government Act 1993 and 'PCO' means the Office of Parliamentary Counsel.

CONCLUSION

The proposed reclassification of the Land to "operational land – interests changed" is satisfactory having regard to relevant legislative and environmental planning requirements. The Planning Proposal is consistent with the objectives of the existing and proposed zones. The reclassification is intended to allow the investigation of options for the Land including potential use and / or sale, providing certainty to the community, and may result in the realising of funds for future infrastructure projects. The reclassification contributes towards facilitating the proper planning and use of the Land.

ATTACHMENT A – PHOTOGRAPHS OF THE LAND



Typical views across the Land – Lot 15 (left) and Lot 16 (right)
(Photograph taken: 16 May 2014)

ATTACHMENT B – POSSIBLE PROVISIONS TO BE INCLUDED IN THE PROPOSED INSTRUMENT

- (1) If the Draft LEP has been made by the time the proposed instrument is to be made, the provisions to be included in the proposed instrument would be to the effect that the Draft LEP is amended to insert:

- (a) under Column 1 of Part 2 of Schedule 4:

Myocum
Dingo Lane
Dingo Lane

- (b) under Column 2 of Part 2 of Schedule 4:

Lot 15, DP 1178892
Lot 16, DP 1178892

- (c) and under Column 3 of Part 2 of Schedule 4:

Nil
Nil

- (2) If the Draft LEP has not been made by the time the proposed instrument is to be made, the provisions to be included in the proposed instrument would be to the effect that Byron Shire Local Environmental Plan 1988 is amended to insert:

- (a) under Column 1 of Part 3 of Schedule 11:

Myocum
Dingo Lane
Dingo Lane

- (b) under Column 2 of Part 3 of Schedule 11:

Lot 15, DP 1178892
Lot 16, DP 1178892

- (c) and under Column 3 of Part 3 of Schedule 11:

Nil
Nil