

Byron LEP 2014 Tyagarah Airport Additional Permitted Uses

Proposal Title : **Byron LEP 2014 Tyagarah Airport Additional Permitted Uses**

Proposal Summary : **The planning proposal seeks to amend Schedule 1 of Byron Local Environment Plan 2014 to list heliport as an additional permitted use and to amend the Lot Size Map to apply minimum lot sizes that enables subdivision which reflects the current lease boundaries.**

PP Number : **PP_2016_BYRON_004_00** Dop File No : **16/01003**

Planning Team Recommendation

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

S.117 directions:

- 1.2 Rural Zones**
- 1.5 Rural Lands**
- 2.1 Environment Protection Zones**
- 2.2 Coastal Protection**
- 3.5 Development Near Licensed Aerodromes**
- 4.1 Acid Sulfate Soils**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**
- 5.3 Farmland of State and Regional Significance on the NSW Far North Coast**
- 6.1 Approval and Referral Requirements**
- 6.3 Site Specific Provisions**
- 3.6 Shooting Ranges**

Additional Information : **It is RECOMMENDED that the Acting Director Regions, Northern, as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that the proposal to amend Schedule 1 of Byron Local Environment Plan 2014 to list heliport as an additional permitted use for the Tyagarah Airport site and amend the Lot Size Map to apply a minimum lot size that reflects current lease boundaries.**

1. An additional permitted uses map is to be prepared that clearly shows the land on which heliports will be permitted.

2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the Planning Proposal must be made publicly available for 28 days;

(b) A3 maps of each of the proposed LEP Map Amendments should be produced and made publicly available with the Planning Proposal during exhibition;

(c) the explanation of provisions be amended to clearly define the lots and part lots to which this proposal applies; and

(d) the relevant planning authority must comply with the notice requirements for public exhibition of Planning Proposals and the specifications for material that must be made publicly available along with Planning Proposals as identified in section 5.5.2 of 'A guide to preparing local environmental plans (Planning and Infrastructure, 2013)'.

3. Consultation with the following agencies and organisations is required prior to public exhibition:

- Office of Environment and Heritage;**
- NSW Roads and Maritime Services**
- Department of the Commonwealth responsible for aerodromes and the Lessee of the**

aerodrome.

4. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission or if reclassifying land).

5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

6. Council be authorised to use the Minister's plan making functions under sections 59(2),(3)&(4) of the Environmental Planning and Assessment Act 1979.

7. Section 117 Directions - It is recommended that:

(a) The Secretary's delegate can be satisfied that the Planning Proposal's inconsistencies with s117 Directions 2.1 Environment Protection Zones, 3.6 Shooting Ranges, 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land are of minor significance.

(b) Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the Act to comply with the requirements of the s117 Direction 4.4. The NSW Rural Fire Service is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

(c) The Secretary's delegate can be satisfied that the Planning Proposal is consistent with all other relevant s117 Directions; and

8. The Planning Proposal is considered to be consistent with all relevant SEPP's.

Supporting Reasons :

The reasons for the above recommendations for the Planning Proposal are as follows:

1. Amending Schedule 1 of Byron Local Environment Plan 2014 to permit a heliport for the Tyagarah Airport site and amending the Lot Size Map to apply minimum lot sizes that reflect the current lease boundaries will support the existing and future development opportunity surrounding the Tyagarah Airport and will strengthen aviation related industries and ancillary uses in the Byron area including recreational tourist activity.

2. The proposal is consistent with the strategic planning framework.

Panel Recommendation

Recommendation Date : **23-Mar-2016**

Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **The proposal is considered to involve matters of only local significance and does not require referral to the LEP Panel**

Gateway Determination

Decision Date : **24-Mar-2016**

Gateway Determination : **Passed with Conditions**

Decision made by : **Regional Director, Northern Region**

Exhibition period : **28 Days**

LEP Timeframe : **9 months**

Gateway Determination : **1. The planning proposal is to be amended prior to community consultation to include:**

(a) provisions that clearly defines the land to which the additional permitted use will apply in the Byron LEP 2014;

(b) an Additional Permitted Uses Map that clearly defines the land to which the additional permitted use will apply in the Byron LEP 2014; and

(c) A3 maps of each of the proposed LEP Maps.

2. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:

- (a) the planning proposal must be made publicly available for a minimum of 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
- NSW Office of Environment and Heritage
 - Department of the Commonwealth responsible for aerodromes and the Lessee of the aerodrome
 - NSW Roads and Maritime Service
 - NSW Rural Fire Service
- Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

Craig Diss

Date:

24 March 2016