



**Planning proposal
for Tyagarah Airport**
(Byron Shire Council)
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March 2016



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INTRODUCTION

Summary of Project

This planning proposal relates to Council-owned land at the Tyagarah Airport, located at 95 Yarun Road, Tyagarah.

The proposal will facilitate the future inclusion of a heliport at the airport and allow the subdivision of the land to rectify lots that were previously created for lease purposes but not registered, formalise the existing internal roadway, and create additional lots to utilise operational Council land to ensure that the airport is economically sustainable.

Part 1 – Objectives and Intended Outcomes

Objective

The primary objectives of this Planning Proposal are to:

- amend Schedule 1 of Byron Local Environmental Plan 2014 to permit a heliport as a permissible land use on the land; and
- amend the Minimum Lot Size Map within Byron Local Environmental Plan 2014, as it applies to the site, to reduce the applicable minimum lot size to reflect the 'lease lots' previously created.

Intended Outcome

The outcome of this proposal will allow for the future use of the airport by helicopters (subject to consent) and facilitate a subdivision of the land, to rectify lots that were previously created for lease purposes but not registered; to formalise the existing internal roadway; and to create additional lots that will assist in ensuring the economic sustainability of the Tyagarah airport.

The Site and Its Context

The land subject to this Planning Proposal contains the existing airport and is located on the eastern side of the Pacific Highway, north of Grays Lane at Tyagarah (see **Figures 1 & 2**). It is made up of the following individual lots:

Lot 2 DP 749851	1,460m ²	Currently leased. Contains an existing industrial shed/hangar operated by <i>Sky Limit Sports Aviation</i> .
Lot 1 DP 713023	1.525ha	Subdivided for lease purposes under DP 805678 – see below:
Lot 4 DP 805678	5,136m ²	Created for lease purposes. Leased to private individual. Contains the base and business premise of <i>Skydive Byron Bay</i> .
Lot 5 DP 805678	1.011ha	Created for lease purposes. Currently vacant.
Lot 6 DP 836887	867.9m ²	Leased to private individual. Contains two existing hangars used by <i>Tiger Moth Joy Flights</i> .
Lot 8 DP 856832	385.7m ²	Leased to Byron Lapidary Society. Contains an existing building owned by the Lapidary Society.
Lot 9 DP 856832	747.8m ²	Currently leased. Contains an existing building servicing as administration for <i>Tiger Moth Joy Flights</i> .
Lot 49 DP 881232	13.21ha	Residual of the Council-owned land. Contains the western end of runway and, in the north-eastern sector, the Tyagarah Public Hall and associated amenities building. The land leased and used by the Tyagarah Clay Shooting Club is partially on this land, and partially on the adjoining Crown Land (Lot 181). Part of the land is also leased to the Tyagarah Recreation and Flying Club as the site for their hanger.

The land is partly zoned RU2 Rural Landscape under Byron Local Environmental Plan 2014 (BLEP 2014), with the vegetated parts of the site deferred under that Plan (see **Figure 3**). The provisions of Byron Local Environmental Plan 1988 (BLEP 1988) therefore remain in force for these vegetated parts of the property.

Under the provisions of BLEP 1988, the deferred parts of the site are zoned part 1(a) General Rural (hatched).

As shown in **Figure 2**, this planning proposal only relates to the parts of the site subject to Byron Local Environmental Plan 2014. The two areas that are Deferred Matters under that Plan are not included in the proposal and will be addressed in the near future together with other deferred areas in the Shire.

BLEP 2014 contains the following definition of airport:

airport means a place that is used for the landing, taking off, parking, maintenance or repair of aeroplanes, and includes associated buildings, installations, facilities and movement areas and any heliport that is part of the airport.

The LEP also contains the following Note:

Airports are a type of **air transport facility**—see the definition of that term in this Dictionary.

air transport facility means an airport or a heliport that is not part of an airport, and includes associated communication and air traffic control facilities or structures.

Pursuant to these definitions, the Tyagarah site is an existing air transport facility.

Within the existing provisions of BLEP 2014, air transport facility and airport are prohibited land uses in the RU2 Rural Landscape zone. Notwithstanding that prohibition, Division 1 of *State Environmental Planning Policy (Infrastructure) 2007* provides that an airport may be carried out by a Council without consent in the RU2 zone.

Heliports are prohibited in the RU2 Rural Landscape zone. SEPP (Infrastructure) does not contain an enabling provision that would override this current prohibition.

The BLEP 2014 Lot Size Map specifies a minimum lot size of 40ha for the parts of the site subject to that Plan. Clause 11 of BLEP 1988 also specifies a minimum lot size of 40ha in this area.

The Council-owned land is classified as 'operational land' pursuant to the *Local Government Act 1993*.

The whole of the site is generally flat, with slopes less than 5°. Much of the land is cleared, with vegetated areas on the fringes (see **Figure 2**). There is an easement for the Rous Water pipeline running north/ south across the property, and a right of carriageway over the existing internal access road.

Development Concept

Council is considering a proposed subdivision of the Council-owned land to create a total of around 14-15 lots (including existing lots), including the provision of a new public road, generally along the alignment of the existing internal access road. This would include providing title to the lots previously created for lease purposes.

The new and existing lots would be available for lease and/ or purchase for land uses ancillary to and consistent with aviation use, apart from, in the short-term at least, continued use of leased areas for the Tyagarah Public Hall and the Lapidary Society. A range of ancillary uses are permissible on the site, in accordance with clause 23 of *SEPP (Infrastructure)*, which is reproduced below:

23 Development permitted with consent

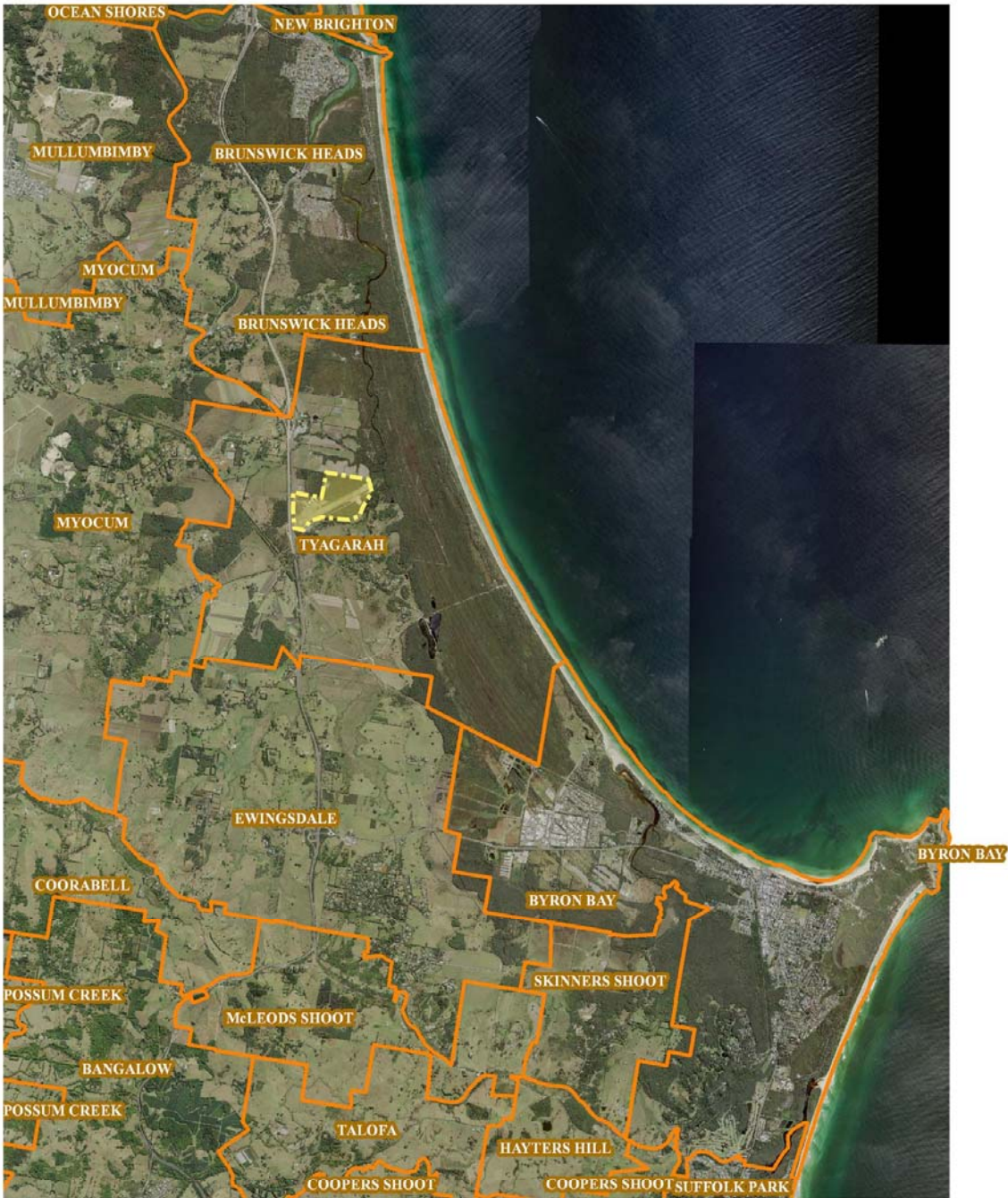
Development for any of the following purposes may be carried out with consent on land within the boundaries of an existing air transport facility, if the development is ancillary to the air transport facility:

- (a) passenger terminals,*
- (b) facilities for the receipt, forwarding or storage of freight,*
- (c) hangars for aircraft storage, maintenance and repair,*
- (d) premises for retail, business, recreational, residential or industrial uses.*

The existing high conservation value vegetation would be contained within one of the lots, which will be retained as Council-owned land for conservation purposes.



Figure 1 - Site Locality Plan



5,025

Meters

(Scale @ A4 Size)

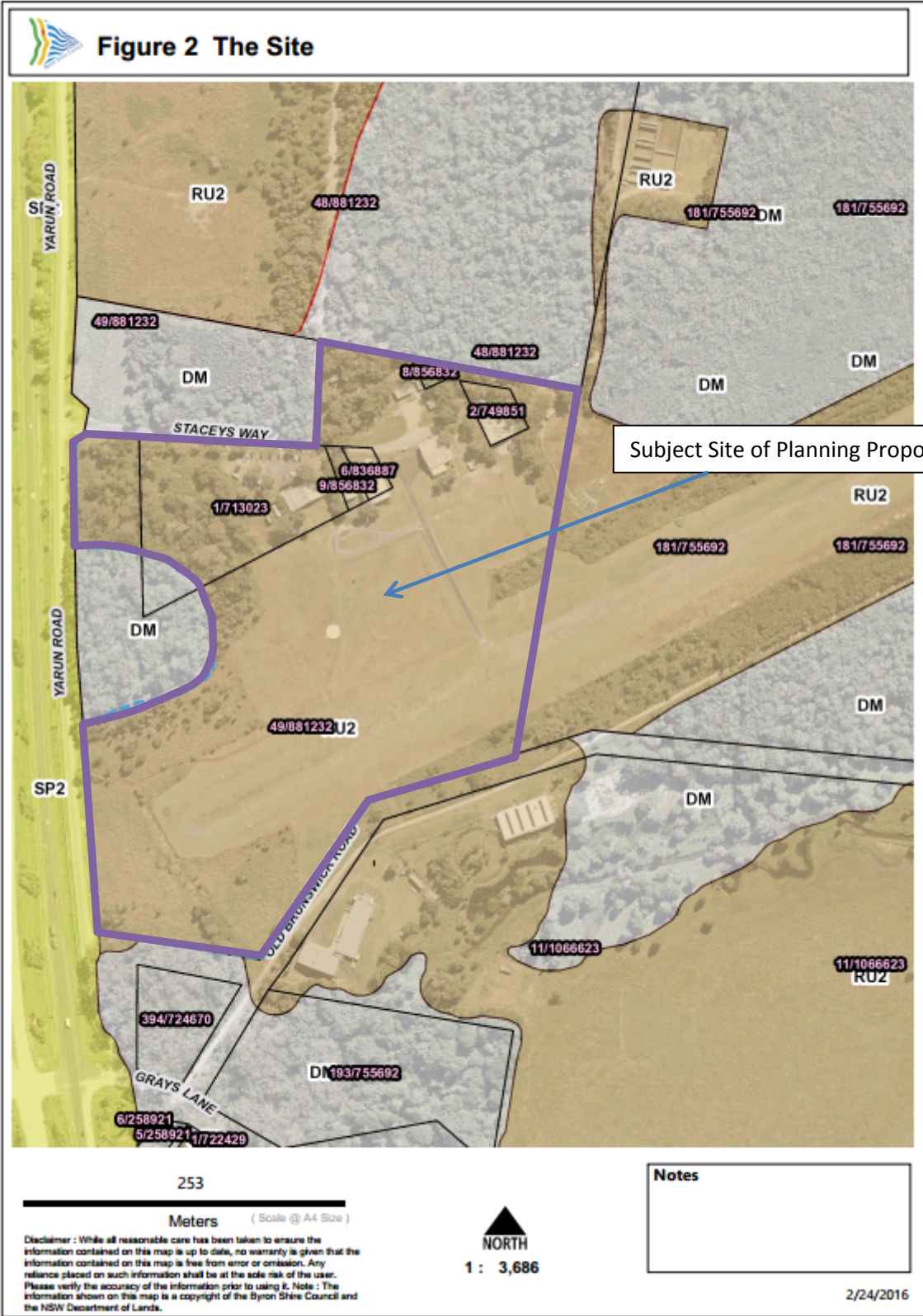
Disclaimer : While all reasonable care has been taken to ensure the information contained on this map is up to date, no warranty is given that the information contained on this map is free from error or omission. Any reliance placed on such information shall be at the sole risk of the user. Please verify the accuracy of the information prior to using it. Note : The information shown on this map is a copyright of the Byron Shire Council and the NSW Department of Lands.

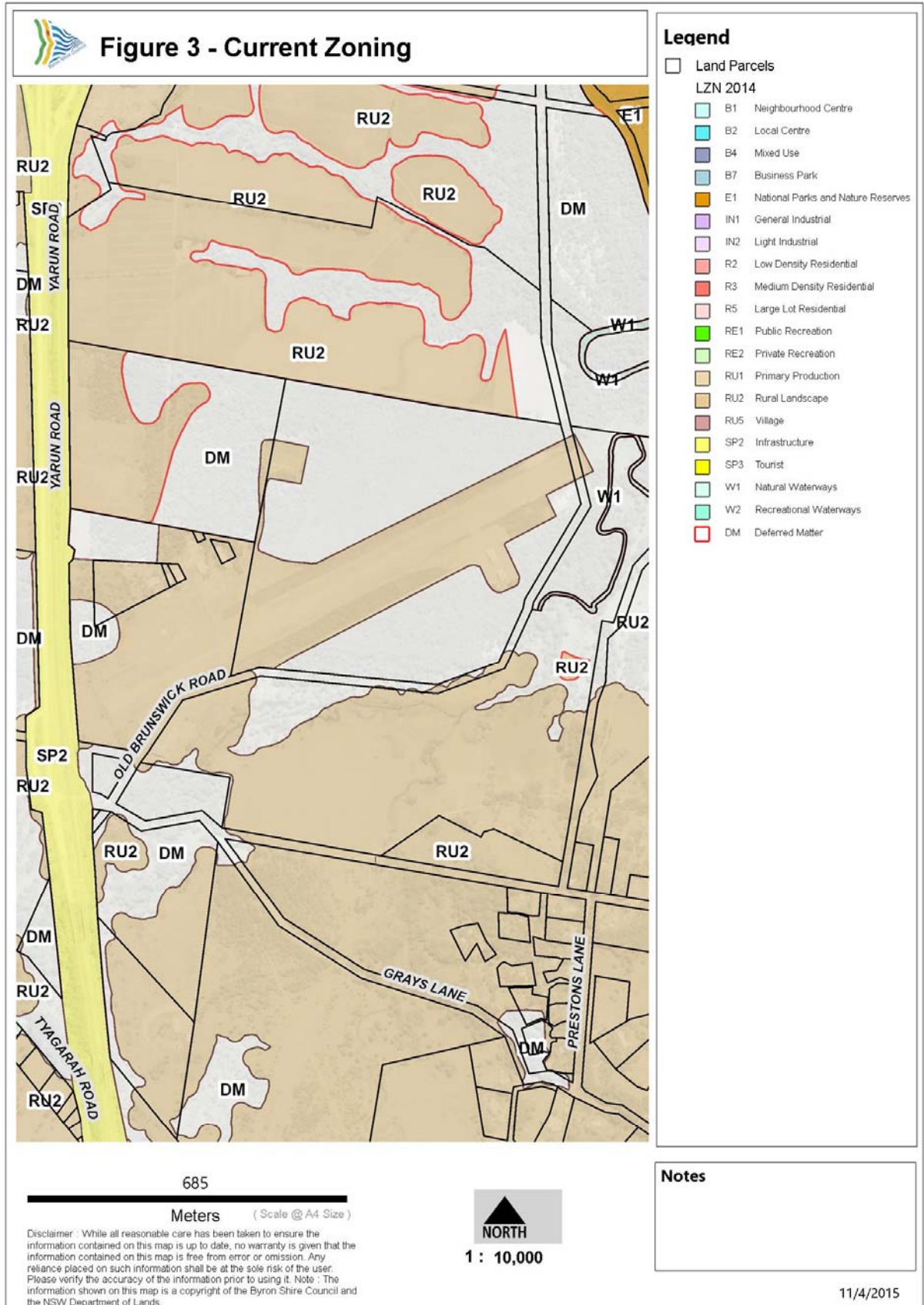


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Notes

11/4/2015





Part 2 – Explanation of Provisions

To achieve the intended outcomes, this Planning Proposal will amend Schedule 1 of Byron Local Environmental Plan 2014 to include heliport as an additional permitted land use for the property. It will also amend the BLEP 2014 Lot Size Map to apply a minimum lot size of 1,000m² to part of the subject land. This reduced minimum lot size will not apply to the area that is occupied by the airstrip.

This will enable the land to be subdivided into lots less than the prescribed 40ha minimum. This reduced lot size reflects the smallest area currently leased, and is sufficient to allow for appropriate on-site wastewater systems for new and existing lots.

The amendment proposed for Schedule 1 of the LEP, is to add the following words:

6. Use of certain lands at Yarun Road, Tyagarah

This clause applies to land at Yarun Road, Tyagarah, being Lot 2 DP 749851, Lot 1 DP 713023, Lot 6 DP 836887, Lots 8 & 9 DP 856832, and Lot 49 DP 881232.

Development for the purposes of a heliport is permitted with consent.

A preliminary Lot Size Map amendment is shown in **Figure 4**. A map will be prepared in accordance with the Department of Planning and Environments LEP Mapping Guidelines for exhibition of the Planning Proposal.

Part 3 - Justification

Section A – Need for Planning Proposal

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

The proposal is not the result of any planning strategy, but does arise from an Aviation Option Report, prepared by The Airport Group – Australian Airports Association (2013). That report reviewed the existing management operation at the Tyagarah Airport and provided recommendations for future management and development. The report concludes:

Overall, we see Tyagarah Airfield as continuing to provide an important community infrastructure service through small business and general aviation and skydiving, and we see its continuing focus, as a sport and recreation destination will provide economic multiplier benefits for the community and region.

The report notes that management of the airfield is currently losing money, potentially jeopardising the future of the airfield and the existing tenants.

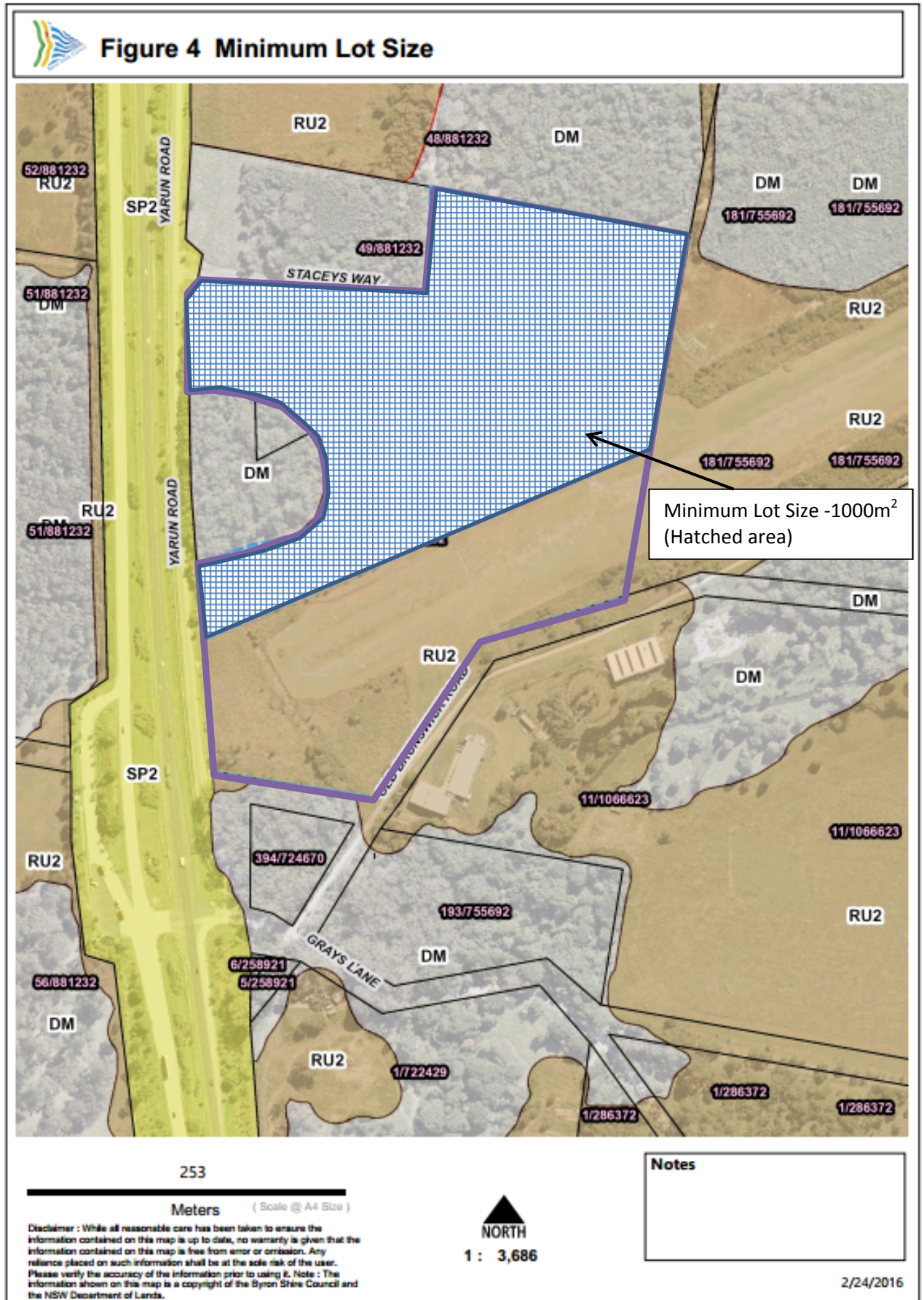
The report recommends that financial sustainability for the airfield could be achieved through:

- *Minor runway upgrade works*
- *Ratification of occupancy agreements*
- *Implementation of formal management processes; and*
- *Development of existing land.*

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

As outlined above, the current planning provisions prohibit heliports and restrict the ability to subdivide the land. The amendment will allow Council to consider the future use of the airport by helicopters and subdivide the land so that it is more suitable for a range of future aviation-related land uses.

The reduction in minimum lot size will provide title to existing 'lease lots' and the creation of new lots, which will provide flexibility to either sell or lease land for existing and future aviation-related land uses.



Section B – Need for Planning Proposal

Question 3 *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?*

The Far North Coast Regional Strategy addresses future settlement planning, concentrating primarily on future housing and employment.

The Strategy maps 'Town and Village Growth Boundaries' and a 'Coastal Area', being land generally east of the Pacific Highway that is outside of the Town and Village Growth Boundaries. It specifies that, *'in the Coastal Area, only land within a Town and Village Growth Boundary may be released for urban purposes'*.

The Tyagarah Airport land is located outside of the mapped *Town and Village Growth Boundary* and within the *Coastal Area*. It is not mapped as 'Existing Urban Footprint', 'Proposed Future Urban Footprint' or 'Employment Lands'.

Despite restricting future urban development to within the *Town and Village Growth Boundary*, however, the Strategy also states that *'the Regional Strategy supports the utilisation of existing vacant commercial and industrial land, where appropriate to the proposed use, prior to the release of further lands'*.

The Strategy notes *'that there is a need to strengthen economic activity and associated employment in existing industry sectors as well as encourage diversification into new and emerging opportunities'*.

The existence of the Tyagarah Airport provides an opportunity to retain and strengthen aviation-related industries in the Byron Shire, contributing to the objectives of the Strategy.

In that regard, the proposal is not inconsistent with the intent and provisions of the Far North Coast Regional Strategy.

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

Council does not have a strategic plan relevant to this Planning Proposal.

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

An assessment of the proposal against relevant SEPPs is contained at **Appendices A**. The proposal is consistent with the provisions of all relevant SEPPs.

As outlined above, SEPP (Infrastructure) provides for the permissibility of a range of aviation-related land uses within the boundaries of an existing air transport facility. The current configuration of the land is not conducive to an expansion of existing uses and it is therefore considered that the planning proposal, which will allow for the subdivision of the land, is directly consistent with SEPP (Infrastructure).

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

An assessment of the proposal against relevant Ministerial Directions is contained at **Appendix B**. The proposal is consistent with the provisions of all relevant Directions, with the exception of Direction 4.3 Flood Prone Land.

Pursuant to this Direction, a Planning Proposal must not contain provisions that apply to the flood planning areas which:

- 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.*

A planning proposal may be inconsistent with this direction if it is supported by a floodplain risk management plan prepared in accordance with the Floodplain Development Manual 2005, or if the provisions that are inconsistent are of minor significance.

A preliminary flood assessment report has been prepared in accordance with the Floodplain Development Manual 2005, providing justification for the inconsistency with this direction.

The assessment concludes that the site is within a 'high flood hazard' location, but, due to low velocities (less than 1m/sec), it is not classed as a 'floodway'. It concludes that the proposed infill development is compatible with the flood hazard and that it will not result in significant flood impacts on other properties.

Section C – Environmental, Social and Economic Impact

Question 7 *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal?*

A detailed Flora and Fauna Assessment has been undertaken in relation to the proposal. The report notes:

- The site contains High Conservation Value vegetation and two Endangered Ecological Communities listed under the NSW *Threatened Species Conservation Act 1995*.
- The site contains numerous preferred koala food trees and lies within a Koala Management Precinct mapped in the draft Byron Coast Comprehensive Koala Plan of Management.
- Three threatened fauna species were recorded at the site – Koala, Wallum Froglet and White-eared Monarch. A number of other threatened species are likely to utilise the site.

The assessment has considered the works associated with proposed subdivision of the land and concludes that, subject to a number of recommended mitigation measures, *a significant impact on threatened species, populations and ecological communities is considered unlikely.*

A key mitigation measure will be the protection of the existing high conservation value vegetation, which includes the area of potential koala habitat, within a single lot that will be retained in public ownership for conservation purposes.

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

The site is not serviced by reticulated sewerage infrastructure. Wastewater therefore needs to be dealt with on-site, raising the potential for environmental effects. A detailed feasibility assessment has been carried by Greg Alderson & Associates and concludes that, while the site is constrained, particularly by a high watertable, it will be possible to design successful individual treatment systems to be incorporated in each of the new lots, with a shared disposal area (irrigation).

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

The primary social and economic considerations relate to the continued successful operation of the airport and the current ancillary uses. The aviation report undertaken for Council notes that in order for the continued operation to remain economically viable, upgrades and operational changes are required. This Planning Proposal is one step in that process as it will allow Council to consider future use of the airport by helicopters and subdivide the land to provide more saleable lots for aviation-related uses, strengthening the overall economic base for the operations.

Section D – State and Commonwealth Interests

Question 10 *Is there adequate public infrastructure for the planning proposal?*

The advice provided by Alderson & Associates indicates that adequate services are available, subject to appropriate on-site wastewater treatment disposal systems. In addition to these services, the site is well serviced by public road infrastructure and it is considered that the existing road network has sufficient capacity to handle additional traffic likely to be generated by future development.

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

Relevant State and Commonwealth agencies will be consulted during the Gateway process.

Part 4 – Mapping

This planning proposal will result in an amendment to the Lot Size Map within BLEP 2014, by reducing the minimum lot size applicable to part of the subject land (i.e. excluding the airstrip itself) from 40ha to 1,000m². This lot size reflects the smallest area currently leased, and is sufficient to allow for appropriate on-site wastewater systems for new and existing lots.

Part 5 – Community Consultation

Community consultation will be undertaken during the Gateway process.

Part 6 – Project Timetable

An indicative project timeline is shown in the table below:

Indicative Stages	Indicative Timeframe
Council forwards the Planning Proposal to the Department.	March 2016
The Department carries out the Gateway assessment and returns the Planning Proposal with the Gateway determination to Council (section 56 of EP Act).	April 2016
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].	30 days
Community consultation (including public exhibition) for Planning Proposal (section 57 of EP Act).	Public exhibition 28 days
Report to Council on outcome of community consultation, 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.	40 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.	

APPENDIX A

State Environmental Planning Policy Assessment

<i>State Environmental Planning Policy</i>	<i>Applies?</i>	<i>Comments</i>
SEPP 1 Development Standards	N	-
SEPP 14 Coastal Wetlands	N	There is no SEPP 14 Wetland within or adjacent to the site. The nearest is located at least 200m to the north-east of the eastern end of the runway. Development of the Council-owned land parcels will not directly nor indirectly impact this wetland.
SEPP 15 Rural Landsharing Communities	N	-
SEPP 21 Caravan Parks	N	-
SEPP 26 Littoral Rainforests	N	There is no SEPP26 littoral rainforest within or adjacent to the site.
SEPP 30 Intensive Agriculture	N	-
SEPP 32 Urban Consolidation (Redevelopment of Urban Land)	N	-
SEPP 33 Hazardous and Offensive Development	N	-
SEPP 36 Manufactured Home Estates	N	-
SEPP 44 Koala Habitat Protection	Y	The ecological assessment undertaken by Council indicates that the site contains 'potential' and 'core' koala habitat. The area is included within the draft Byron Coast Koala Plan of Management. In accordance with the provisions of that Plan, the site is within the Tyagarah-Myocum Koala Management Precinct (KMP). Development of the land will comply with the relevant provisions of the draft KPOM. In particular, it is proposed that the main area of Koala habitat will be contained in one new lot, which will be retained by Council as 'Community Land' for conservation purposes.
SEPP 50 Canal Estate Development	N	-
SEPP 55 Remediation of Land	Y	A preliminary soil assessment has been undertaken in accordance with the requirement of this SEPP. It concludes that, based on the known history of the site, inspection of the site and the sampling regime undertaken, further soil contamination assessment is not required in the investigation area.
SEPP 62 Sustainable Agriculture	N	-
SEPP 64 Advertising & Signage	N	-
SEPP 65 Design Quality of Residential Flat Development	N	-

State Environmental Planning Policy	Applies?	Comments
SEPP 71 Coastal Protection	Y	The site is located within the Coastal Zone. It is, however, located well landward of the coastal erosion zones identified in Council's DCP. The location is such that development of the land will have no effect on public access to the foreshore, nor result in the overshadowing of any foreshore area.
SEPP (Affordable Rental Housing) 2009	N	-
SEPP (Building Sustainability Index: BASIX) 2004	N	-
SEPP (Exempt and Complying Codes) 2008	N	The development of the land for airfield related and associated facilities does not meet the requirements for either exempt or complying development under this SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	N	-
SEPP (Infrastructure) 2007	N	Clauses 21-23 of the SEPP relate to Air Transport Facilities, and contains the same definitions adopted by BLEP 2014. This section allows that development for either an <i>airport</i> or a <i>heliport</i> may be carried out by a public authority on land within the RU2 zone (and other nominated zones). Clause 23 also provides that a range of nominated aviation-related land uses are permissible with consent within the boundaries of an existing air transport facility. It is considered that the current lot configuration is not ideal for such uses, and the ability to subdivide the land will provide a more optimum outcome in this regard.
SEPP (Major Development) 2005	N	-
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N	-
SEPP (Miscellaneous Consent Provisions) 2007	N	-
SEPP (Rural Lands) 2008	Y	The planning principles contained in this SEPP are aimed at protecting agricultural and other productive and sustainable economic activities in rural areas, and protecting natural resources, including biodiversity, water resources and the like. The subject land does not have significant agricultural potential and has been used for some time as an airfield with aviation-related ancillary uses. As outlined above, the concept development has been designed to minimise biodiversity impacts and ensure the ongoing retention of important koala habitat on the site. The planning proposal is therefore not inconsistent with the Rural Planning Principles outlines in this SEPP.
SEPP (State and Regional Development) 2011	N	-

APPENDIX B

Section 117 Ministerial Directions Checklist

Section 117 Direction	Applies?	Comments
a) Employment and Resources		
1.1 Business and Industrial Zones	N/A	-
1.2 Rural Zones	Yes	This direction applies where a draft LEP affects land within an existing rural zone. It requires that a planning proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. This planning proposal does not propose a change of zoning. Further, given the objective of this Direction – to protect the agricultural production value of rural land – it is considered that the proposed LEP amendment is of minor significance given that the historic and continuing use of the land as an airfield results in it having no viable agricultural production value.
1.3 Mining, Petroleum Production and Extractive Industries	N/A	-
1.4 Oyster Aquaculture	N/A	-
1.5 Rural Lands	N/A	This direction applies where a draft LEP affects land within an existing rural or environmental protection zone. It requires that such a draft LEP must be consistent with the planning principles contained in SEPP (Rural Lands) 2008. This SEPP is addressed above. As outlined therein, the intention of those principles is to protect rural or environmental land demonstrated to have value in terms of agricultural or other economic potential, rural lifestyle/amenity value, or natural resource value. In this case, the site is not considered to have agricultural potential given the historic and existing site uses. While parts of the site have high biodiversity values, the development proposal will ensure ongoing retention and protection of those values.
b) Environment and Heritage		
2.1 Environment Protection Zones	Yes	The Direction requires that '<i>a planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas</i>'. In this case, the protection of environmentally sensitive koala habitat on the site will be protected and conserved through its inclusion within a single lot, to be retained in Council's ownership and classified as Community Land.

Section 117 Direction	Applies?	Comments
		The Direction also requires that 'a draft LEP that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP shall not reduce the environmental protection standards that apply to the land'. The assessment outlined in this planning proposal demonstrates that, other than the koala habitat lot, the development is limited to the parts of the site that are highly disturbed. Additional native vegetation planting will be incorporated into the development to offset the minor impacts associated with any minor tree clearing that may be required to implement the development. It is considered that the draft LEP is consistent with this Direction as environmental impacts are of minor significance.
2.2 Coastal Protection	Yes	This Direction is applicable as the land is located within the Coastal Zone. It requires that a draft LEP should be considered in relation to: <u>The NSW Coastal Policy:</u> This Policy addresses a number of key coastal themes including: population growth, coastal water quality issues, acid sulfate soils, ESD considerations and integrated management across levels of government. The LEP amendment proposed for this land is considered to be consistent with the Policy in that it will result in development that retains and strengthens existing community aviation resources in a manner that avoids and/or minimises biophysical impacts in relation to soils, water and vegetation. <u>Coastal Design Guidelines:</u> The guidelines, in the main, relate to settlement planning and to built-form considerations. Nonetheless, a number of the design principles are relevant, relating to protection of natural edges, connectivity and accessibility of open space, and the like. The proposed development is considered to be consistent with these guidelines as it utilises previously disturbed land to ensure the ongoing viability of aviation services in the Byron Shire. <u>Coastline Management Manual:</u> This Manual is not directly relevant as it primarily relates to the management of coastal process, mainly erosion and accretion, coastal recession and the like. The site is located well away from the active coastal zone and is not at risk from ongoing coastal processes.
2.3 Heritage Conservation	N/A	The site does not contain any know items of Indigenous or European environmental heritage. A comprehensive heritage assessment will be undertaken to accompany a future development application for the development of the land.
2.4 Recreation Vehicle Areas	N/A	-
c) Housing, Infrastructure and Urban Development		
3.1 Residential Zones	N/A	-
3.2 Caravan Parks and Manufactured Home Estates	N/A	-
3.3 Home Occupations	N/A	-
3.4 Integrated Land Use and Transport		-

Section 117 Direction	Applies?	Comments
3.5 Development Near Licensed Aerodromes	N/A	The primary objective of this Direction is 'to ensure the effective and safe operation of aerodromes'. This is, in effect, the same primary objective of the planning proposal – to ensure the ongoing viability of operations at the Tyagarah airstrip. The Direction requires that, in preparing a planning proposal, the planning authority must: ▪ <i>consult with the Department of the Commonwealth responsible for aerodromes and the lessee of the aerodrome – in this case,</i> ▪ <i>take into consideration the Obstacle Limitation Surface (OLS) as defined by that Department of the Commonwealth – in this case.</i> This consultation will be undertaken during the Gateway process.
3.6 Shooting Ranges	N/A	This Direction applies in relation to planning proposals that affect land adjacent to or adjoining an existing shooting range. The intention is to maintain appropriate levels of public safety. In this case the proposed development will increase the range of activities undertaken in proximity to the shooting ranges. These ranges have been operating adjacent to the airstrip for a number of decades without incident. Council will continue to work with the operators of the ranges to ensure that all relevant safety procedures are maintained.
d) Hazard and Risk		
4.1 Acid Sulfate Soils	Y	The site is mapped as containing Class 3 Acid Sulfate Soils. Development of the site will involve some civil works that may involve excavation to a depth of 1m or more. Accordingly, a preliminary assessment has been prepared to address the acid sulfate risk. That report concludes that the acid sulphate soils risk can be appropriately managed at the site.
4.2 Mine Subsidence and Unstable Land	N/A	-
4.3 Flood Prone Land	Y	Pursuant to this Direction, a Planning Proposal must not contain provisions that apply to the flood planning areas which: - permit development in floodway areas; - permit development that will result in significant flood impacts to other properties; - permit a significant increase in the development of that land; - are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services; or - 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. A planning proposal may be inconsistent with this direction if it is supported by a floodplain risk management plan prepared in accordance with the Floodplain Development Manual 2005, or if the provisions that are inconsistent are of minor significance.

Section 117 Direction	Applies?	Comments
4.3 cont		A preliminary flood assessment report has been prepared in accordance with the Floodplain Development Manual 2005, thereby providing justification for the inconsistency with this direction. The assessment concludes that the site is within a 'high flood hazard' location, but, due to low velocities (less than 1m/sec), it is not classed as a 'floodway'. It concludes that the proposed infill development is compatible with the flood hazard and that it will not result in significant flood impacts on other properties.
4.4 Planning for Bushfire Protection	Y	The land is bushfire prone. Consultation with NSW Rural Fire Service indicates that, as the planning proposal does not facilitate residential development, a Bushfire Safety Authority, under the <i>Rural Fires Act 1997</i>, will not be required. RFS indicate that a 15m Asset Protection Zone should be provided as part of any new development.
e) Regional Planning		
5.1 Implementation of Regional Strategies	Y	The Direction specifies that planning proposals must be consistent with the relevant regional strategy. This is addressed in the planning proposal above.
5.2 Sydney Drinking Water Catchments	N/A	-
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Y	The airport site is noted as 'Committed Urban Zone' on the Farmland Protection Maps, and is therefore not classified as either Regionally or State Significant farmland.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	-
5.5 Revoked	N/A	-
5.6 Revoked	N/A	-
5.7 Revoked	N/A	-
5.8 Second Sydney Airport: Badgerys Creek	N/A	-
5.9 North West Rail Link Corridor Strategy	N/A	-
f) Local Plan Making		
6.1 Approval and Referral Requirements	Y	The planning proposal does not propose the inclusion of any concurrence, consultation or referral provisions.
6.2 Reserving Land for Public Purposes	N/A	-

Section 117 Direction	Applies?	Comments
6.3 Site Specific Provisions	N/A	<i>A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:</i> <i>a) allow that land use to be carried out in the zone the land is situated on, or</i> <i>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</i> <i>c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</i> In this case, the Direction is not strictly applicable, as subdivision is currently permitted with consent under the LEP. The amendment simply seeks to reduce the minimum lot size applicable to subdivision for this land.
d) Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	N/A	-