

Byron LEP 2014 - Minor Map and Instrument Amendments (Housekeeping)

Proposal Title : **Byron LEP 2014 - Minor Map and Instrument Amendments (Housekeeping)**

Proposal Summary : **The proposal seeks to undertake a number of 'housekeeping' amendments to the Byron Local Environmental Plan 2014, including minor map and written provision corrections.**

PP Number : **PP_2015_BYRON_006_00** Dop File No : **15/12606**

Planning Team Recommendation

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

- S.117 directions:
- 1.1 Business and Industrial Zones
 - 1.2 Rural Zones
 - 1.3 Mining, Petroleum Production and Extractive Industries
 - 1.4 Oyster Aquaculture
 - 1.5 Rural Lands
 - 2.2 Coastal Protection
 - 2.3 Heritage Conservation
 - 3.1 Residential Zones
 - 3.2 Caravan Parks and Manufactured Home Estates
 - 3.4 Integrating Land Use and Transport
 - 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
 - 6.2 Reserving Land for Public Purposes

Additional Information : **It is RECOMMENDED that the General Manager, as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Byron Local Environmental Plan 2014 to undertake a number of housekeeping amendments should proceed subject to the following conditions:**

1. The Planning Proposal is to be amended, prior to community consultation, to:
 - (a) remove all references to 'Amendment 17' from the Planning Proposal, which relates to the updating of the heritage listing of the Mullumbimby Hydroelectric Power Station from 'local' to 'state'. This matter can be addressed under a separate Planning Proposal once the deferred land areas are included in the Byron LEP 2014.
 - (b) indicate that an amendment to the Minimum Lot Size Map - Sheet LSZ_002DA will be undertaken for Lot 11 DP 1169547, to remove the 40ha minimum lot size provisions from the site and reflect the surrounding RE1 zoned land.
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 14 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; and
 - (c) 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 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:

- (a) NSW Rural Fire Service
- (b) Department of Primary Industries (Lands)

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 approve the Planning Proposal's inconsistency with s117 Directions 1.1 Business and Industrial Zones, 1.2 Rural Zones and 4.3 Flood Prone Land as matters of minor significance.

(b) The Secretary's delegate can be satisfied that consistency with s117 Direction 5.3 Farmland of State and Regional Significance on the NSW Far North Coast remains outstanding.

(c) Consultation is required in relation to s117 Direction 4.4 Planning for Bushfire Protection with the NSW Rural Fire Service and Direction 6.2 Reserving Land for Public Purposes with the Department of Primary Industries (Crown Lands) prior to considering the inconsistencies.

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

1. The proposal will improve the operation of the Byron LEP 2014.

Panel Recommendation

Recommendation Date : 27-Aug-2015

Gateway Recommendation : Passed with Conditions

Panel Recommendation : This planning proposal is considered minor and the Gateway determination is to be issued under delegation by the General Manager. Therefore the planning proposal will not be considered by the panel.

Gateway Determination

Decision Date : 27-Aug-2015

Gateway Determination : Passed with Conditions

Decision made by : General Manager, Northern Region

Exhibition period : 14 Days

LEP Timeframe : 9 months

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

- (a) remove all references to 'Amendment 17' from the Planning Proposal, which relates to the Mullumbimby Hydroelectric Power Station;
- (b) include A3 size maps of each of the proposed LEP Map Amendments; and
- (c) indicate that an amendment to the Minimum Lot Size Map - Sheet LSZ_002DA will be undertaken for Lot 11 DP 1169547, to remove the 40ha minimum lot size provisions from the site and reflect the surrounding RE1 zoned land.

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

- (a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013) and must be made publicly available for a minimum of 14 days;
- (b) 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 LEPs (Department of Planning and Infrastructure 2013).

3. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:

- NSW Rural Fire Service
- Department of Primary Industries (Lands)

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 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:

27 August 2015