

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**

Proposal Details

Date Planning Proposal Received : **18-Aug-2015** LGA covered : **Byron**

Region : **Northern** RPA : **Byron Shire Council**

State Electorate : **BALLINA** Section of the Act : **55 - Planning Proposal**

LEP Type : **Housekeeping**

Location Details

Street :

Suburb : City : Postcode :

Land Parcel : **Various Land Parcels and Road Reserves**

DoP Planning Officer Contact Details

Contact Name : **Luke Blandford**

Contact Number : **0266416612**

Contact Email : **luke.blandford@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Julie Francombe**

Contact Number : **0266267118**

Contact Email : **julie.francombe@byron.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Jon Stone**

Contact Number : **0267019688**

Contact Email : **jon.stone@planning.nsw.gov.au**

Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : **Far North Coast Regional Strategy** Consistent with Strategy : **Yes**

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MDP Number :	Date of Release :	
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots : 0	No. of Dwellings (where relevant) :	0
Gross Floor Area : 0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : **The Department of Planning and Environment's Code of Practice in relation to communications and meetings with lobbyists has been complied with to the best of the Region's knowledge.**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **The Northern Region office has not met any lobbyists in relation to this proposal, nor has the Region been advised of any meeting between other officers within the agency and lobbyists concerning this proposal.**

Supporting notes

Internal Supporting Notes : **Since the Byron LEP 2014 has been in force, Council has identified a number of housekeeping type changes or adjustments that are needed to improve the operation and accuracy of the plan.**

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objectives and intended outcomes of the proposal are provided and adequately expressed.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The Planning Proposal provides a clear explanation of the intended provisions to achieve the objectives and intended outcomes. This includes a series of maps and written justification for each proposed amendment. The proposal includes 22 amendments to the LEP, which can be summarised as:**

- **13 x administrative mapping corrections to ensure consistency with the relevant zoned areas. Many of the mapping changes due to updated cadastre.**
- **2 x administrative mapping corrections to remove incorrect references from LEP Maps.**
- **4 x minor changes to the land use tables for the R5 Large Lot Residential, B7 Business Park, IN1 General Residential and IN2 Light Industrial zones**
- **Removing a heritage listed item from the LEP as the land which it is located on has been deferred from the Byron LEP due to the Environmental Zone Review.**
- **Rectifying an incorrect reference under Clause 4.1E which currently allows dual occupancies (attached) on RU2 zoned land with a minimum lot size of 800m2.**

A review of each proposed amendment is provided under 'Need for Planning Proposal' of this Planning Report.

The Planning Proposal currently seeks to update the listing of a local heritage listed item to state significant, following its recent listing on the State Heritage Register (the Mullumbimby Hydroelectric Power Station). Part of this heritage item is located on land that has been deferred from the LEP 2014. Listing it under the LEP 2014 now would mean that only part of this item would be included and a future amendment would be required once the deferred lands are included in the LEP 2014. This matter has been discussed with Council officers who have provided advice that this amendment can be removed from the Planning Proposal. The item is protected under the State Heritage Register listing. A condition on the Gateway Determination should be provided that requires this amendment be removed from the Planning Proposal prior to community consultation.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

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

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP (Rural Lands) 2008

e) List any other matters that need to be considered :

An assessment of the applicable directions and SEPPs is provided within the 'Assessment' section of this planning team report.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

See the 'Assessment' section of this planning team report

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The Planning Proposal has included "Thumbnail" maps that identify the mapping errors which need to be resolved. A copy of these individual maps in 'A3' should be made available during exhibition.

Revised maps which comply with the Department's 'Standard Technical Requirements for LEP Maps' would need to be prepared for the making of the LEP.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The Planning Proposal has indicated a 14 day public exhibition/community consultation period. The cover letter submitted with the Planning Proposal indicated that exhibition

may not be warranted given the 'low impact' nature of the proposal.

As required by 'A guide to preparing local environmental plans', a 14 day exhibition period is considered appropriate.

Consultation should be undertaken with the NSW Rural Fire Service and Crown Lands as required under the Section 117 Directions (discussed further below).

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

The Planning Proposal generally satisfies the adequacy criteria by:

1. Providing appropriate objectives and intended outcomes;
2. Providing a suitable explanation of the provisions proposed by the Planning Proposal to achieve the outcomes;
3. Providing an adequate justification for the proposal;
4. Providing maps which suitably identify the site and intended outcomes;
5. Outlining a proposed community consultation program including a 14 day public exhibition period; and
6. Providing a project timeframe which suggests completion within 4 months.

Timeline

- The Planning Proposal includes a project timeline which estimates completion by December 2015 (4 months). Due to potential delays around the Christmas Period, it is considered that a 9 month time frame would be appropriate. This does not restrict Council from finalising the LEP amendment sooner.

Delegation.

- Council has requested delegation to finalise the proposal and an evaluation checklist has been provided. As the issues in this proposal are all relatively minor, delegation to Council would be appropriate.

Proposal Assessment

Principal LEP:

Due Date : **April 2014**

Comments in relation to Principal LEP :

Byron LEP 2014 came into effect in July 2014. This proposal amends Byron LEP 2014.

The proposal applies to, among other things, two heritage items that relate to land that has been deferred from the Byron LEP 2014.

- A local heritage building is currently listed under the Byron LEP 2014 despite this land being deferred from this LEP. It was originally identified under the Draft LEP, however was not removed when the environmental zones were deferred. The proposal seeks to remove this item from the LEP 2014 as the provisions of this written instrument do not apply to the land (Amendment 1).

This item does not appear under the Byron LEP 1988. Council officers have confirmed that this item is listed under the s149 certificate register to ensure that any existing / future landholder of this land is appropriately informed of this items heritage significance.

- The Planning Proposal currently seeks to update the listing of Mullumbimby Hydroelectric Power Station from 'local' to 'state' in accordance with its recent listing on the State Heritage Register. As discussed previously in this Planning Team Report, part of the state heritage listed item is located on land that is deferred from the Byron LEP 2014. Council officers have indicated that this was an oversight and are not concerned to not pursue this component of the Planning Proposal. A condition on the Gateway Determination should be provided that requires this proposed amendment to be removed from the

Planning Proposal, prior to community consultation.

Assessment Criteria

Need for planning
proposal :

A review of each proposed modification is provided below:

AMENDMENT 1 - Amendment of the Heritage Map – Sheet HER_002BA and Schedule 5

- No. 24 Mill Street, Mullumbimby (Lot 2 DP 540706) contains a local heritage listed building. This land is deferred from the Byron LEP 2014 due to the Environmental Zone Review on the Far North Coast. This item was not removed from the Draft LEP when the environmental zones were deferred and now it is listed under the Published Byron LEP 2014 on the Heritage Map and within Schedule 5. It is proposed to remove this item from the LEP 2014 as the provisions of this planning instrument do not apply while the land is deferred.
- This item does not appear under the Byron LEP 1988. Council officers have confirmed that this item is listed under the s149 certificate register to ensure that any existing / future landholder of this land is appropriately informed of this item's heritage listing. It will be included in the Byron LEP 2014 once the deferred lands are reinstated into the LEP.
- No issues are raised to this proposal.

AMENDMENT 2 - Amendment of the Heritage Map – Sheet HER_003CBB and Schedule 5

- Heritage Item 1031 is currently listed under Schedule 5 of the LEP and on the Heritage Map as occupying six allotments. This land has recently been subdivided and the item is now located only within one allotment, being Lot 15 DP 1202254. The proposal seeks to amend Schedule 5 and the Heritage Map to only reference Lot 15 DP 1202254 as containing this heritage building.
- No issues are raised to this proposal.

AMENDMENT 3 – Amendment of the Land Zoning Map – Sheet LZN_003CB, Minimum Lot Size Map – Sheet LSZ_003CB and Floor Space Ratio Map – Sheet FSR_003CB

- Recent subdivision development has occurred in the locality of Muskwood Place, Palm-Lily Crescent and Ivory Curl Place, Bangalow. This has resulted in more accurate survey and revised cadastral boundaries being prepared. The zone boundaries do not align with this updated cadastral layout.
- The proposal seeks to update the LEP mapping to accurately reflect the cadastral boundaries. This will impact the following lots: Lot 1 DP 1037642; Lot 12 DP 1164278; Lot 69 DP 1152910; and Lot 32 DP 1034122.
- The subject land will be rezoned RU1, have the minimum lot size increased to 40ha and the FSR removed.
- No issues are raised to this proposal.

AMENDMENT 4 - Amendment of the Land Zoning Map – Sheet LZN_002DA, Lot Size Map – Sheet LSZ_002DA and Floor Space Ratio Map – Sheet FSR_002DA

- The LEP mapping along Arika Avenue, Ocean Avenue incorrectly zones part of a RMS Classified Road as residential. The amendment will correct this anomaly and zone this portion of roadway SP2, which is consistent with the adjoining road zoning. The minimum lot size and FSR provisions for the land will be changed to reflect that of the SP2 zoned land (40ha minimum lot size and no FSR requirement).
- The amendment will only affect a public road reserve (Old Pacific Highway) and no private land).
- No issues are raised to this proposal.

AMENDMENT 5 - Amendment of the Land Zoning Map – Sheet LZN_002CA, Lot Size Map – Sheet LSZ_002CA and Floor Space Ratio Map – Sheet FSR_002CA

- Part of an access road into a Private Recreation Facility has been zoned RE2 Private Recreation. The facility is zoned RE2, however the roadway (Langi Place) is primarily zoned R2. The proposal therefore seeks to amend this minor mapping error by zoning this small portion of RE2 zoned roadway as R2 and change the relevant development provisions (lot size and floor space) to reflect that of the surrounding R2 zoned land.
- The amendment will only affect a public road reserve (Langi Place) and no private land.
- No issues are raised to this proposal.

AMENDMENT 6 - Amendment of the Land Zoning Map – Sheet LZN_002DA and Lot Size Map Sheet LSZ_002DA

- Part of a public caravan site (Lot 11 DP 1169547) has been zoned SP2 Classified Road despite not being owned or used as a roadway. This is a minor mapping error. It is proposed to zone this land RE1 Public Recreation.

The land zoned SP2 within the caravan site also has a minimum lot size applied to it of 40ha, whilst the remaining part of the site (zoned RE1) does not have a minimum lot size requirement applied to it. This minimum lot size requirement should be removed to reflect the minimum lot size provisions of the surrounding RE1 zoned land. This should be included in a revised Planning Proposal, prior to it being publicly exhibited.

- As the land is owned by the Crown, the Crown Lands Division will need to be consulted. This is consistent with s117 Direction 6.2 Reserving Land for Public Purposes.

AMENDMENT 7 - Amendment of the Land Zoning Map – Sheet LZN_003CA, Lot Size Map - Sheet LSZ_003 and Floor Space Ratio Map – Sheet FSR_003

- The cadastre adjoining the Pacific Highway in Ewingsdale has been updated since adoption of the LEP. The LEP mapping does not reflect the updated cadastral boundaries and as a result, there are a number of mapping errors where private rural land (Lot 10 DP 1194832) is zoned SP2 Classified Road. The proposal seeks to fix these errors by rezoning them to RU1 and change the relevant development provisions (lot size and floor space) to reflect that of the surrounding RU1 zoned land.

- No issues are raised to this proposal.

AMENDMENT 8 - Amendment of the Land Zoning Map – Sheet LZN_003CC, Lot Size Map - Sheet LSZ_003CC and Floor Space Ratio Map – Sheet FSR_003CC

- The IN2 Light Industrial zone mapping does not follow the cadastral boundaries along Ewingsdale Road in West Byron, where this roadway fronts Lot 9 DP 248197. It is proposed to correct this minor error by rezoning the land within the roadway RU2 and changing the relevant development provisions (lot size and floor space) to reflect that of the surrounding RU2 zoned land.

- No issues are raised to this proposal.

AMENDMENT 9 - Amendment of the Land Zoning Map – Sheet LZN_003CA and Lot Size Map - Sheet LSZ_003

- The SP2 Classified Road and R5 Large Lot Residential zones do not align with the cadastral boundaries on the eastern side of the Pacific Highway near William Flick Lane, Ewingsdale. It is proposed to amend the land zoning and lot size maps as they relate to Lot 38 DP 786291, Lot 1 & 24 DP 1197885 and Lot 15 DP 1156248 to reflect the correct lot boundaries and be consistent with the surrounding land. All private owned land will be zoned R5 and have the lot size provisions applied that are consistent with the surrounding R5 zoned land. All public / transport corridor land will be zoned SP2 and have the lot size provisions removed. There is no FSR provisions for this area under the LEP.

- No issues are raised to this proposal.

AMENDMENT 10 - Amendment of the Land Zoning Map – Sheet LZN_003CB, Lot Size Map - Sheet LSZ_003CB and Floor Space Ratio Map – Sheet FSR_003CB

- A small portion of the cul-de-sac head of Barby Crescent, Bangalow where it fronts Lot 233 DP 1194657 is zoned RU1 Primary Production despite the majority of this roadway being zoned R2 Residential. It is proposed to realign the zone boundaries to match the cadastral boundaries and change the lot size and FSR provisions to match the R2 zoned land. This change will only affect the road reserve and no private land.

- No issues are raised to this proposal.

AMENDMENT 11 - Amendment of the Land Zoning Map – Sheet LZN_002BA

- The Mullumbimby Golf Club House site is zoned RE2 Private Recreation. In the north eastern edge of this site the adjoining RU1 Primary Production zone slightly encroaches into this lot. This is a mapping error that will be adjusted by amending the land zoning map to zone the whole of Lot 2 DP 1170435 as RE2. No change to any other provisions is proposed.

- No issues are raised to this proposal.

Amendment 12 - Amendment of the Land Zoning Map – Sheet LZN_003CB, Lot Size Map - Sheet LSZ_003CB and Floor Space Ratio Map – Sheet FSR_003CB

- Part of the Casino to Murwillumbah rail line corridor (Lismore Road Reserve) has been zoned R2 Low Density Residential despite this corridor being predominantly zoned RU1 Primary Production. Small portions of privately owned residential land which fronts this corridor have been zoned RU1 Primary Production despite the residential land in the area being zoned R2 Low Density Residential. It is proposed to amend the zone boundary to ensure this disused transport corridor is zoned RU1 and that all private residential land is zoned R2. It is also proposed to amend the lot size and FSR provisions to match that of the RU1 and R2 zoned land in this area.
- This amendment will affect land within the public transport corridor and the following private allotments: Lot 2 DP 863983 and Lot 3, 5, 6, 7 & 16 DP 1156103.
- No issues are raised to this proposal.

AMENDMENT 13 - Amendment of the Land Zoning Map – Sheet LZN_003D and Lot Size Map - Sheet LSZ_003

- The RU1 Primary Production and R5 Large Lot Residential zone boundaries do not align with the current cadastral boundaries for Lots 1, 3 & 4 DP 1203742. It is proposed to realign the zone boundaries to match the current cadastre and amend the lot size map so the RU1 land has 40ha minimum lot size and the R5 land has a 2.5ha minimum lot size.
- No issues are raised to this proposal.

AMENDMENT 14 - Amendment of the Heritage Map – Sheet HER_003

- The heritage mapping for the local heritage listed Zalmonah House in Eureka identifies land outside of the lot which contains this heritage item. It is proposed to amend the mapping to reflect the correct cadastral boundaries of Lot 1 DP 1173905.
- No issues are raised to this proposal.

AMENDMENT 15 - Amendment of the floor space ratio map grids on all FSR Map Sheets

- A mapping error has occurred over all FSR Map Sheets. The Map Grids currently identify Sheet 033AA however this should reference Sheet 003AA. It is proposed to correct this error by replacing the incorrect reference with the correct one on all FSR Map Sheets.
- No issues are raised to this proposal.

AMENDMENT 16 - Amendment of the Drinking Water Catchment Map – Sheet DWC_002B

- A mapping error has occurred on Sheet DWC_002B. This Map Sheet includes the reference 'Refer to Map CL1_002BA'. There is no Map CL1_002BA under the Byron LEP 2014 and this reference is proposed to be removed.
- No issues are raised to this proposal.

AMENDMENT 17 - Amendment of the Heritage Map – Sheet HER_002BA and Schedule 5

- The Mullumbimby Hydroelectric Power Station Complex was added to the State Heritage Register (SHR) on 21 June 2014. The site is currently listed as a 'local' heritage item under the Byron LEP 2014. The SHR lists 10 lots, or part lots, that the complex occupies. The LEP does not currently list all of these and some of them are in the area deferred from the Plan.
- Council officers have indicated that this proposed amendment can be removed from the Planning Proposal. Council will seek to update the listing of this item from 'local' to 'state' and include all land subject to this listing, when all of the deferred land areas are included in the LEP 2014.
- No issues are raised to removing this component from the proposal.
- A condition on the Gateway Determination should be provided that requires this proposed amendment to be removed from the Planning Proposal prior to community consultation.

AMENDMENT 18 - Amendment of clause 4.1E Minimum lot sizes

- Clause 4.1E currently states that an attached dual occupancy is permitted on land

zoned where it has an area equal to or greater than 800m2. This is an error and should reference the R2 Low Density Residential zone.

- This amendment will remove this error and ensure attached dual occupancies are permitted on R2 zoned lots that are 800m2 or greater.
- It is not a policy change and is correcting an error in the written instrument that occurred at the time of drafting.
- No issues are raised to this proposal.

AMENDMENT 19 - Amendment of the R5 Large Lot Residential zone land use table

- The R5 Large Lot Residential land use table currently lists 'sewage treatment facilities' and 'water recycling systems' as being prohibited. There is no definition for 'sewage treatment facilities' or 'water recycling systems' under the Byron LEP 2014 or Standard Instrument Template. It is proposed to amend these land uses to the intended terms of 'sewage treatment plants' and 'water recycling facilities'.
- It is not a policy change and is correcting an error in the written instrument that occurred at the time of drafting.
- No issues are raised to this proposal.

AMENDMENT 20 - Amendment of the B7 Business Park zone land use table

- It is proposed to delete reference to 'retail premises' under the prohibited land use table. 'Commercial premises' is listed as prohibited under the zone. 'Commercial premises' is the parent term for 'retail premises' and therefore listing 'retail premises' has no effect.
- It is not a policy change, and is correcting an error in the written instrument that occurred at the time of drafting.
- No issues are raised to this proposal.

AMENDMENT 21 - Amendment of the IN1 General Industrial zone land use table

- It is proposed to delete reference to 'garden centres' under the prohibited land use table. 'Commercial premises' is listed as prohibited under the zone. 'Commercial premises' is the parent term for 'garden centres' and therefore listing 'garden facilities' has no effect.
- It is not a policy change and is correcting an error in the written instrument that occurred at the time of drafting.
- No issues are raised to this proposal.

AMENDMENT 22 - Amendment of the IN2 Light Industrial zone land use table

- It is proposed to delete reference to 'business premises' under the prohibited land use table. 'Commercial premises' is listed as prohibited under the zone. 'Commercial premises' is the parent term for 'business premises' and therefore listing 'business premises' has no effect.
- It is not a policy change and is correcting an error in the written instrument that occurred at the time of drafting.
- No issues are raised to this proposal.

Consistency with strategic planning framework :

FAR NORTH COAST REGIONAL STRATEGY (FNCRS)

The proposal does not result in the rezoning of land outside of the Town and Village Urban Growth Boundaries. It simply adjusts zoning boundaries to match current cadastral boundaries. The proposal is consistent with the overarching aims, objectives and intent of the Strategy.

STATE ENVIRONMENTAL PLANNING POLICIES

The proposed zoning, map and written instrument amendments relate to minor errors in the LEP and will not result in any increased development potential or change of land use.

The proposal is consistent with the provisions of all applicable SEPPs relevant to the proposal.

SECTION 117 DIRECTIONS

Direction 1.1 Business and Industrial Zones:

- The proposal seeks to reduce (albeit minor) business and industrial zoned land. This is due to mapping errors and will not reduce the amount of floor space area for employment / business uses. The proposal is inconsistent with the direction however this can be justified as of minor significance.

Direction 1.2 Rural Zones:

- The proposal seeks to rezone rural land to residential. This is due to mapping errors and will not increase permissible density on rural land. The proposal is inconsistent with the direction however this can be justified as of minor significance.

Direction 4.3 Flood Prone Land

- Four of the Map Amendment Sites (Amendment 1, 6, 11 and 12) are on land that is subject to flooding. The proposal is inconsistent with this Direction. However, this inconsistency is justified as of minor significance as it will not increase development potential on flood prone land.

Direction 4.4 Planning for Bushfire Protection

- Three of the Map Amendment Sites (Amendment 3, 4 and 13) are mapped as being bushfire prone land or within a bushfire prone buffer. Consistency with the Direction is currently unresolved. Consultation with the NSW Rural Fire Service will be required post Gateway before the requirements of the Direction can be satisfied.

Direction 5.3 Farmland of State and Regional Significance on the NSW Far North Coast

- The proposal seeks to zone (albeit minor) mapped farmland.
- Amendment Site No. 7, 10 & 11 comprise land that is mapped as Regionally Significant Farmland and are proposed to be zoned for urban purposes (private recreation in the case of Amendment Site No. 11).
- The inconsistency is unable to be addressed under the provisions of the Direction as the proposal is not consistent with Section 4 of the Northern Rivers Farmland Protection Project - Final Recommendations.
- The rezoning relates to minor mapping errors and will not result in any increase in development potential or significant loss of agricultural land. Given these matters listed above, it is not considered necessary that the land be retained for agricultural purposes or that the Direction be satisfied in this instance.
- It is noted that Amendment Site No. 14 contains land mapped as State Significant and Amendment Site No. 1 contains regionally significant farmland, however these sites are not proposed to be rezoned.

Direction 6.2 Reserving Land for Public Purposes

- The proposal will alter the amount of land (albeit minor) zoned for Public Recreation Purposes. Consistency with this direction is currently unresolved. Consultation with the Department of Primary Industries (Lands) will be required after a Gateway Determination before the requirements of the Direction can be satisfied.

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The proposal is consistent with all other relevant Section 117 Directions.

Environmental social
economic impacts :

The proposed amendments are of a minor housekeeping nature and are not likely to have any negative environmental, social or economic impacts.

The proposal is however likely to have positive environmental, social and economic impacts as a result of the improved operation of the Byron LEP 2014

Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **NSW Rural Fire Service**
Other

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

No additional studies are required due to the nature of the proposal.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Byron Shire Council_18-08-2015_LEP 2014 Amendment Minor Amendments and Corrections - General Amendment 1 - s56_.pdf	Proposal Covering Letter	Yes
2015-08-18 Planning Proposal.pdf	Proposal	Yes
flood prone and bushfire prone.docx	Study	No
state or regionally significant farmland.docx	Study	No
Removal of Amendment 17.pdf	Proposal	No

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

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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.

Signature:



Printed Name:

Craig Diss

Date:

27/8/15