

Byron LEP 2014 - Tallowood Ridge, Mullumbimby

Proposal Title : **Byron LEP 2014 - Tallowood Ridge, Mullumbimby**

Proposal Summary : **The purpose of the planning proposal is to rezone lots 93 & 94 DP1216681, Tallowood Ridge, Mullumbimby. The subject site also includes an unmade road that traverses north-south through Lot 94 and one that abuts it immediately to the south, for the following:**

- 1. provide for additional residential development. More specifically the following zone changes have been proposed;**
 - * Approximately 5ha of R2 Low Density Residential to RU2 Rural Landscape,**
 - * Approximately 5ha of RU1 Primary Production to RU2 Rural Landscape,**
 - * Approximately 3ha of RU1 Primary Production to RE1 Public Recreation, and**
 - * Approximately 12ha of RU1 Primary Production and RU2 Rural Landscape to R2 Low Density Residential (with a potential yield of approximately 65 lots based on 9 lots per hectare).**
- 2. rezone other zones that apply to the site to reflect past approvals for sporting facilities (see above), and**
- 3. remove environmentally sensitive land from a residential zone. In this case, the planning proposal plans to rezone approximately 5ha of R2 Low Density Residential land to RU2 Rural Landscape (in the majority) in acknowledgement of it being riparian, flood affected or containing significant vegetation. The RU2 zoning is proposed until such time as suitable environmental zones are applied to the site.**

PP Number : **PP_2016_BYRON_005_00** Dop File No : **16/06890**

Planning Team Recommendation

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

S.117 directions: **1.2 Rural Zones**
1.3 Mining, Petroleum Production and Extractive Industries
1.4 Oyster Aquaculture
1.5 Rural Lands
2.1 Environment Protection Zones
2.2 Coastal Protection
2.3 Heritage Conservation
3.1 Residential Zones
3.4 Integrating Land Use and Transport
4.1 Acid Sulfate Soils
4.2 Mine Subsidence and Unstable Land
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:**

- 1. The Planning Proposal be supported;**
- 2. The Planning Proposal be exhibited for 28 days;**
- 3. The Planning Proposal be completed within 12 months;**
- 4. That the Planning Proposal be amended prior to exhibition to contain the correct property description of the subject land;**

5. That the Secretary (or her delegate) note the current inconsistency with section 117 Direction 4.4 Planning for Bushfire Protection and that this inconsistency will need to be resolved prior to the proposal being finalised;

6. It is recommended that a delegate of the Secretary agree that the inconsistency of the proposal with S117 Directions 1.2 Rural Zones, 1.3 Mining, Petroleum Production and Extractive Industries, 2.1 Environment Protection zones, 3.1 Residential zones, 4.1 Acid Sulfate Soils, 4.2 Mine Subsidence and Unstable Land, 4.3 Flood Prone Land, and 4.4 Planning for Bushfire Protection, are justified in accordance with the terms of the directions;

7. That the Secretary's delegate agree to the rezoning of land for public recreation purposes in accordance with S117 Direction 6.2 Reserving Land for Public Purposes.

8. That consultation be undertaken with the following agencies:

- Office of Environment and Heritage
- NSW Rural Fire Service
- Local Aboriginal Land Council
- Department of Primary Industries - Agriculture

9. That an authorisation to exercise delegation be issued to Council.

Supporting Reasons :

The reasons for the recommendation are as follows;

1. The planning proposal meets the sustainability criteria for urban development outside the Town and Village Growth Boundary of the FNCRS, and
2. The inconsistencies of the proposal with the S117 Directions are of minor significance

Panel Recommendation

Recommendation Date : **26-May-2016**

Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **This proposal is considered to be of local significance and does not warrant referral to the panel.**

Gateway Determination

Decision Date : **27-May-2016**

Gateway Determination : **Passed with Conditions**

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

Exhibition period : **28 Days**

LEP Timeframe : **12 months**

Gateway Determination : **1. Council is to consult with the NSW Rural Fire Service as per the requirements of s117 Direction 4.4 Planning for Bushfire Protection and amend the planning proposal, if necessary to take into consideration any comments made prior to undertaking community consultation.**

2. Prior to community consultation, the planning proposal is to be amended to reflect the correct property description of the subject land.

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

(a) the planning proposal and must be made publicly available for a minimum of 28 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); and

(c) Any mapping material must meet the specifications in the current Standard Technical Requirements for Spatial Datasets and Maps (Department of Planning and Environment 2015).

4. 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 Office of Environment and Heritage
- Local Aboriginal Land Council
- Department of Primary Industries - Agriculture

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.

5. 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).

6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

Cray Diss

Date:

27 May 2016