



## **BYRON SHIRE COUNCIL PLANNING PROPOSAL**

### **‘Housekeeping’ Minor Amendments & Corrections to Byron LEP 2014**

#### **Gateway Version 2 – May 2019**

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**Document History**

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|             |              |   |

## Contents

|   |    |
|---|----|
| Introduction .....  | 4  |
| PART 1 Objectives and Intended Outcomes of the Proposed Instrument .....          | 5  |
| PART 2 Explanations of Provisions to be included in the Proposed Instrument ..... | 5  |
| PART 3 Justification for Objectives, Outcomes & Implementation Process .....      | 9  |
| Section A – Need for the Planning Proposal .....                                  | 9  |
| Section B – Relationship to strategic planning framework.....                     | 9  |
| Section C – Environmental, social and economic impact .....                       | 26 |
| Section D – State and Commonwealth interests .....                                | 27 |
| PART 4 Mapping .....  | 28 |
| PART 5 Community Consultation.....  | 28 |
| PART 6 Project Timelines .....  | 28 |
| Conclusion .....  | 29 |

## Attachments

Attachment 1 – Current and Proposed Mapping Amendments  
Attachment 2 – Property Details

## Introduction

Byron Shire Council (BSC) has been considering a number of amendments to Byron LEP 2014 since the previous Minor Amendments (Mapping) came into effect in 2016. At its meeting of 30 October 2014, Council resolved (14-509) to amend its LEP to correct minor non-policy matters identified in the Byron LEP 2014. This housekeeping planning proposal seeks to ensure that Council's principle planning instrument is current and correct, and is the second minor housekeeping planning proposal since Byron LEP 2014 came into effect. The planning proposal has been prepared in accordance with item 3 of Council resolution **14-509**.

### **14-509 Resolved:**

1. *That a minor corrections and amendments planning proposal be prepared that seeks to amend Byron LEP in the manner set out in Table 1 of this report (#E2014/66629).*
2. *That the General Manager (or delegate of his choice) be delegated the authority to include additional non-policy amendments in the planning proposal (not already identified in this report) for minor corrections and amendments to Byron LEP 2014.*
3. *That the General Manager (or delegate of his choice) be delegated the authority to assume the role of the 'relevant planning authority' pursuant to the Environmental Planning & Assessment Act 1979 in relation to preparation and finalisation (whether Council has delegated authority to make the plan or not) of any other planning proposals consisting of non-policy matters such as corrections and consequential and/or minor amendments; and that Council be advised of any such amendments made under delegated authority.*

The Planning Proposal has been prepared with reference to the Department of Planning and Environment's Guidelines "A guide to preparing planning proposals" and "A guide to preparing local environmental plans".

This Planning Proposal includes 22 minor amendments to Byron LEP 2014. The 22 proposed amendments are unrelated, of a minor nature and are itemised in **Table 1** with mapping amendments (current and proposed) shown in greater detail in Attachment 1. The property details including Lot and DP Numbers and the address for each parcel affected by this planning proposal is available in Attachment 2.



## PART 1 Objectives and Intended Outcomes of the Proposed Instrument

The intended outcome of the instrument proposed by this planning proposal is to correct minor errors in Byron LEP 2014 mapping and Schedule 5.

## PART 2 Explanations of Provisions to be included in the Proposed Instrument

**Table 1** displays the proposed amendments as well as the reasoning for the proposed change. Each Amendment is given an item number to help demonstrate the proposed changes as referenced in Attachment 1. The changes are of a minor nature and address inconsistencies and mapping issues including incorrectly mapped lots, out of date mapping and mapping not corresponding with cadastral boundaries. Changes to Schedule 5 are of a general housekeeping nature including updating information and correcting mistakes. Any zoning changes from Deferred Matter require an amendment to the land application map which will be updated after the public exhibition period. Some zoning changes may also require consequential changes to floor space ratio and lot size maps depending on the zoning type which has been addressed where applicable. All changes to heritage item mapping have been carefully examined and considered with consultation with Councils heritage consultant. Changes to deferred matter land have been considered on an individual site basis with reference to the environmental zone criteria considered before proposing the appropriate zoning.

**Table 1** Proposed LEP amendments and supporting rationale

| Item | Amendment proposed   | Rationale   |
|------|--|---|
| 1    | Amendment of the Byron LEP 2014 Zone Map – Sheet LZN_003CC and consequently the Land Application Map to amend the zoning of lot 237 DP 755695 in accordance with Figure 1 shown in Attachment 1.   | To amend the zoning of lot 237 DP 755695 from Deferred Matter (DM) to E1 to bring it into accordance with Gazettal 11/11/2015 delineating the parcel as a part of Cumbebin Swamp Nature Reserve.  |
| 2    | Amendment of the Byron LEP 2014 Maps – Sheets LZN_002A & LSZ_002 to amend the zoning and minimum lots sizes for a number of land parcels as shown in Figure 2 in Attachment 1 and to amend the Land Application Map.   | To amend the zoning and minimum lots size maps to correct minor cadastral inconsistencies. The amendment involves re-alignment of the zone boundaries with the cadastral boundaries and consequent revisions to the Lot Size Map as well as rezoning a DM parcel of land to RU2 as it does not meet the criteria for an environmental zone.   |
| 3    | Amendment of the Byron LEP 2014 Land Zoning Map – Sheets LZN_003CB, and consequent amendments to Sheets LSZ_003CB, FSR_003CB and Land Application Map to amend the zoning, minimum lots sizes and floor space ratio for a numbers of parcels as shown in Figure 3 of Attachment 1. | To adjust the R2 Low Density residential zone boundary in the vicinity of Meadows Close and Charlotte Street, Bangalow, to align with cadastral boundaries and reflect the registered subdivision. The FSR and minimum lot size mapping must also be changed as a consequence of the zoning amendment. A small corner section of the lot is being removed from DM and zoned R2 for consistency. |
| 4    | Amendment of the Byron LEP 2014 Land Zoning Map – Sheet LZN_002CA to correct minor zoning errors over private property in accordance with Figure 4 in Attachment 1.  | The E1 National Parks and Nature Reserves Zone is intended for the management of National Parks and Nature Reserves and applies to land that qualifies as such. A portion of E1 zoning impinges on privately owned Lot 1 DP 1134600 which should be zoned RU2 Rural Landscape as it is neither Nature Reserve nor National Park.  |

| Item | Amendment proposed   | Rationale   |
|------|--|---|
|      |  | This amendment seeks to correct this minor error. The minimum lot size mapping currently aligns with the property boundary and does not need amending.  |
| 5    | Amendment of the Byron LEP 2014 Heritage Map – Sheet HER_003CC to align LEP Heritage Mapping with State Heritage Mapping in accordance with Figure 5 in Attachment 1. Also to amend Schedule 5 Item I078 to reflect the State title.     | Amendment to the Byron LEP 2014 Heritage mapping to align with the State Heritage mapping of the Byron Railway Station and yard group. Also to amend Schedule 5 I078 Item “Railway Station” to “Byron Bay Railway Station and yard group”.  |
| 6    | Amendment of the Byron LEP 2014 Land Zoning Map – Sheet LZN_002CA and consequential adjustments to Sheets LSZ_002CA and FSR_002CA in accordance with Figure 6 in Attachment 1.   | In this area a section of the R2 Low Density Residential Zoning overhangs an ancillary road adjacent to the Pacific Highway. The R2 zoning needs to be changed to RU2 to match the prevailing zone for the remainder of the ancillary road, along with consequent changes to the Lot Size and Floor Space Ratio Maps.   |
| 7    | Amendment of the Byron LEP 2014 Land Zoning Map – Sheet LZN_002B in accordance with Figure 7 in Attachment 1 and consequential changes to the Land Application Map.  | Deferred Matter mapped in this area has been gazetted as part of the Nightcap National Park on 2 December 2016. As such, this amendment seeks to change the zoning of gazetted lot 6 DP 812020, and lot 1 DP 1121177 to E1 National Parks and Nature Reserves Zone.   |
| 8    | Amendment of the Byron LEP 2014 Heritage Map – Sheet HER_003CBA in Accordance with Figure 8 in Attachment 1.   | A subdivision in this area has resulted in two vacant blocks covered with a Heritage Item overlay (lot 3 DP 1239913, lot 2 DP 1239913). The Heritage Significance as listed in the Byron LEP 2014 relates directly to the house, known as the Brick House (I030), and does not relate with any other aspects of the surrounding lots. In addition, the Heritage Item Mapping does not cover the entirety of the Brick House site, and will need to be amended to reflect the entirety of the lot and match cadastral boundaries (lot 1 DP 1239913). |
| 9    | Amendment of the Byron LEP 2014 Heritage Map – Sheet HER_003CBA in Accordance with Figure 8 in Attachment 1. Item 8 and 9 are displayed together in Attachment 1   | The Heritage Conservation Area in the vicinity of the Brick House does not align correctly with the cadastral boundaries. This amendment seeks to match the Heritage Conservation Area boundary with the cadastral boundaries on the neighbouring lots (lot 231 DP 1194657, lot 240 DP 1231365).  |
| 10   | Amendment of the Byron LEP 2014 Zoning Map - Sheet LZN_003CB and consequent amendments to the FSR_003CB and LSZ_003CB maps in Accordance with Figure 9 in Attachment 1. Amendment to the Land Application Map in regards to the DM area. | A subdivision has resulted in a number of split zones in this locality. This amendment seeks to rectify the split zones, and align the relevant R2 and R3 zone boundaries to accord with the new cadastral boundaries for the approved subdivision. Amendments to the FSR and lot size maps will also be needed as a consequence of the zoning changes. In addition a portion of DM land under Byron LEP 2014 is proposed to be zoned RU2 as it does not meet the criteria for an   |

| Item | Amendment proposed  | Rationale   |
|------|---|---|
|      |   | environmental zone.   |
| 11   | Amendments to the Byron LEP 2014 Heritage Map – Sheet HER_002BA in accordance with Figure 10 in Attachment 1.   | The Heritage Item mapping in this area extends over a part of the built form that is not related to the initial heritage listing. A subdivision of the land has made it clear that the new lot should not be included in the Heritage Item mapping as it does not possess heritage value under the description of the commercial building (I122).   |
| 12   | Amendments to the Byron LEP 2014 Acid Sulfate Soils Map – Sheet ASS_002, Sheet ASS_002CA and Sheet ASS_003CD in accordance with Figure 11 in Attachment 1.  | The current Acid Sulfate Soils LEP mapping does not include the majority of the town centre of Brunswick Heads or Tallow Creek, although the area should be mapped in the Acid Sulfate Soils LEP map. However, the data that is used for the entire shire wide acid sulfate soils mapping includes the land at Brunswick Heads and Tallow Creek. It is unclear why these areas have been left out of the Acid Sulfate Soils LEP mapping. A small anomaly between the LEP ASS mapping and the acid sulfate soils data was also identified adjacent to the M1 in the vicinity of Ocean shores. This amendment aims to update the Acid Sulfate Soils LEP ASS mapping to reflect the current acid sulfate soils data. |
| 13   | Amendment to Byron LEP 2014 Schedule 5 Environmental Heritage to change the address of item I059 from 14 Mullumbimbi Street to 24 Mullumbimbi Street.   | This is a minor typographical correction that will correct the address as listed in Byron LEP 2014, Schedule 5 Environmental Heritage.  |
| 14   | Amendment to Byron LEP 2014 Schedule 5 Environmental Heritage to change the description of Heritage Item I164 to Part Lot 1 DP1138652.  | The description for Item I164 currently reads “385 Myocum Road (Barlow Property), Part of Lot 11, DP 878735...” The description needs to change to “385 Myocum Road (Barlow Property), Part of Lot 1 DP1138652...”  |
| 15   | Amendment to Byron LEP 2014 Heritage Map – Sheet HER_003CC to adjust the boundary of the Heritage Item in accordance with Figure 12 in Attachment 1.  | This minor amendment seeks to expand the Heritage mapping to cover the entirety of the Heritage listed Anglican Church (I081) and to align with the current cadastral boundary of the parcel (lot 7 DP1187184) that has previously changed due to a boundary realignment.   |
| 16   | Amendment to Byron LEP 2014 Heritage Map – Sheet HER_003CBB to adjust the boundary of the Heritage Item in accordance with Figure 13 in Attachment 1. Also to amend Schedule 5 to update the property description (I031) to Lot 17 DP1227099. | The Heritage Item mapping in this area extends over a parcel of land that is not relevant to the Heritage Item George Reading building (I031). A recent subdivision means that the new lot should be removed from the Heritage Item mapping. Schedule 5 also needs to be amended to reflect the current lot and DP number associated with the heritage Item.  |
| 17   | Amendment to Byron LEP 2014 Land Zoning Map – Sheet LZN_001A and Land Application Map in accordance with Figure 14 in Attachment 1.   | This amendment rezones lot 52 DP 1161100 from DM to E1 National Parks and Nature Reserves to reflect its gazettal into Mt Jerusalem National Park on 5 December 2014.   |
| 18   | Amendment to Byron LEP 2014 Land Zoning Map – Sheet LZN_003CD and Land  | Land identified as Deferred Matter under Byron LEP 2014 has been gazetted as the Ti-Tree  |

| Item | Amendment proposed   | Rationale  |
|------|--|--|
|      | Application Map to reflect gazettal of the Ti-Tree Lake Aboriginal Area in accordance with Figure 15 in Attachment 1.  | Lake Aboriginal Area on 9 July 2010. As such, this amendment seeks to change the zoning of gazetted lot 4 DP 830202 to E1 National Parks and Nature Reserves.  |
| 19   | Amendment to Byron LEP 2014 Land Zoning Map – Sheet LZN_002CA and the Land Application Map in accordance with Figure 16 in Attachment 1.   | This amendment rezones part of Marshall’s Creek Nature Reserve (lot 429 DP 755687) to E1 National Parks and Nature Reserves from Deferred Matter to reflect the gazetted parcel on 5 March 1999.   |
| 20   | Amendment to Byron LEP 2014 Heritage Map – Sheet HER_003CBB in accordance with Figure 17 in Attachment 1.  | A recent subdivision to amalgamate Council own land (lot 1 DP 1249921) has demonstrated the need to update the heritage boundary line to reflect the heritage item “I002” Bangalow Swimming Pool and Park. The current heritage item mapping sits partly over the adjacent lot that has no heritage value linked to the Bangalow Swimming Pool and Park.   |
| 21   | Amendment to Byron LEP 2014 Schedule 5 Environmental Heritage to change the significance of Heritage Item I086 from Local to State and the description to Cape Byron Lightstation (including the three cottages and moveable items). | The Schedule 5 description of heritage Item I086 lists the item as having local significance and needs to be corrected to reflect the Byron Lightstation State Heritage listing.   |
| 22   | Amendment to Byron LEP 2014 Land Zoning Map - LZN_003CD to rezone Lot 60 DP 817888 from SP2 to RE1 in accordance with Figure 18 in Attachment 1.   | On 23 June 2017 Council purchased Lot 60 DP 817888, Beech Drive Suffolk Park from the Department of Education after the Department advised of its intention to dispose of the property. Council resolved (16-587) “That upon completion of the purchase the General Manager does all acts and things necessary to classify the land as community land and amend the Byron Local Environmental Plan to rezone the land to RE1 Public Recreation in the next housekeeping amendment.” The land has long been used by the community as a formal and informal sporting field. Prior to its sale, Council leased the land from the Department of Education and had put significant investment into community infrastructure on the site. The community wanted the land to remain as an open grassed area and continue to be used by formal sporting clubs and the wider public. Additionally this land is the only large open space in Suffolk Park and plays an important role in the community. Council resolved to purchase the land using section 94 funds and rezone the lot to RE1 to allow for the area to continue to be used for public recreation. This amendment is a result of this Council resolution. |

## **PART 3 Justification for Objectives, Outcomes & Implementation Process**

### **Section A – Need for the Planning Proposal**

**Q1. Is the planning proposal a result of any strategic study or report?**

The Planning Proposal consists of minor mapping and Schedule 5 amendments that are not a result of a strategic study or report, however a Council report in 2014 resolved **(14-509)** to keep the LEP up to date with periodic minor housekeeping amendments. Item 22 is a result of a Council report that resolved **(16-587)** to include the amendment to rezone Lot 60, DP 817888 to RE1 in the next minor housekeeping planning proposal.

**Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

A planning proposal is the best means of addressing the minor amendments and corrections needed to improve Byron LEP 2014.

### **Section B – Relationship to strategic planning framework**

**Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?**

The Far North Coast Regional Strategy is not relevant to the minor amendments and corrections outlined in this planning proposal. No significant land use or policy changes are involved.

**Q4. Is the planning proposal consistent with Council's local strategy or other local strategic plan?**

Keeping the LEP up to date is consistent with the corporate governance objectives of Byron Community Strategic Plan 2022.

No other local policy or strategic plans are relevant to the minor amendments or corrections outlined in this planning proposal.

**Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?**

Most State Environmental Planning Policies (SEPP) are not applicable to this planning proposal. The planning proposal is consistent with the following applicable State Environmental Planning Policy (SEPP):

| <b>State Environmental Planning Policy (SEPP)</b> | <b>Compliance of Planning Proposal</b>   |
|---|--|
| SEPP (Rural lands) 2008                           | This planning proposal constitutes minor corrections and amendments. No significant new rural or residential housing will result from this planning proposal. It is consistent with the rural planning principles in the SEPP.   |
| SEPP (Coastal Management) 2018                    | This planning proposal includes three items that are mapped within the coastal zone and two of these items are reflecting gazettal of National Parks. Item 12 updates an error in the acid sulfate soils mapping in two areas in the coastal zone. These amendments will have no adverse impacts on the coastal zones. |

**Q6. Is the planning proposal consistent with applicable Ministerial Directions (s. 9.1 directions)?**

Unless otherwise noted the Planning Proposal is consistent with applicable Ministerial Directions as follows:

| S. 9.1 Direction                         | Application   | Relevance to this planning proposal   | Consistency with direction |
|--|---|---|----------------------------|
| <b>1. Employment and Resources</b>       |   |   |                            |
| <b>1.1 Business and Industrial Zones</b> | <p>Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).</p> <p>Under this direction a planning proposal must:</p> <p>(a) give effect to the objectives of this direction,</p> <p>(b) retain the areas and locations of existing business and industrial zones,</p> <p>(c) not reduce the total potential floor space area for employment uses and related public services in business zones,</p> <p>(d) not reduce the total potential floor space area for industrial uses in industrial zones, and</p> <p>(e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Secretary of the Department of Planning and Environment.</p> | <p>Item 11 removes heritage mapping from a building in B2 zoning on an existing dwelling after a subdivision. This amendment does not reduce the floor space ratio or reduce the existing business zoning. This amendment will not negatively affect business or industry or the associated objectives.</p> <p>Item 12 amends the acid sulfate soils mapping for the business zone in Brunswick Heads. This amendment is to correct an error in the mapping and may affect future development in the business zone. This amendment does not reduce the potential floor space area or alter the extent of business zones within the shire.</p> | Consistent                 |
| <b>1.2 Rural Zones</b>                   | <p>Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).</p> <p>Under this direction a planning proposal must:</p> <p>(a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</p> <p>(b) not contain provisions that will increase the permissible density of land within a rural zone (other than</p>   | <p>In a number of locations this planning proposal will remove a rural zone and replace it with residential or other urban zones. These are all minor mapping anomalies and will not impact significantly on rural land use or agriculture.</p>   | Justifiably inconsistent   |

| S. 9.1 Direction   | Application  | Relevance to this planning proposal   | Consistency with direction |
|--|--|---|----------------------------|
|  | land within an existing town or village).  |   |                            |
| 1.3 Mining, Petroleum Production and Extractive Industries | <p>Applies when a relevant planning authority prepares a planning proposal that would have the effect of:</p> <p>(a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or</p> <p>(b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.</p> | Nothing in this planning proposal will prohibit or restrict exploration or mining or the extraction of other material.  | Consistent                 |
| 1.4 Oyster Aquaculture                                     | <p>Applies when a relevant planning authority prepares any planning proposal that proposes a change in land use which could result in:</p> <p>(a) adverse impacts on a Priority Oyster Aquaculture Area or a “current oyster aquaculture lease in the national parks estate”, or</p> <p>(b) incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or a “current oyster aquaculture lease in the national parks estate” and other land uses.</p>                            | Priority Oyster Aquaculture Areas (POAA) exist in the Brunswick River however there is minimal likelihood the planning proposal will have adverse impacts on POAA as the changes are so minor and will not result in significant land use changes.  | Consistent.                |
| 1.5 Rural Lands  | <p>Applies when:</p> <p>(a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary), or</p> <p>(b) a relevant planning authority prepares a planning proposal that</p>   | <p>This planning proposal does alter some rural and environmental zones, but the amendments are of a minor nature and are to correct mapping errors or to reflect the gazettal of land to National Parks.</p> <p>The changes in minimum lot size only occur to reflect the change in the zoning and no other changes to the minimum lot sizes are</p> | Consistent                 |

| S. 9.1 Direction                        | Application  | Relevance to this planning proposal  | Consistency with direction |
|---|--|--|----------------------------|
|   | <p>changes the existing minimum lot size on land within a rural or environment protection zone.</p> <p>A planning proposal to which clauses (a) and (b) apply must be consistent with the Rural Planning Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>.</p> <p>A planning proposal to which clause (b) applies must be consistent with the Rural Subdivision Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>.</p>  | <p>proposed in this planning proposal.</p> <p>Items 2 and 10 both rezone land of deferred matter to RU2. The subject land was analysed and amended in this planning proposal in conjunction with the nearby minor mapping changes. A zoning of RU2 was found to be the best fit for these parcels as they did not meet the criteria for an environmental zone.</p> <p>The minor amendments and the proposed changes from DM to RU2 are consistent with the <i>State Environmental Planning Policy (Rural Lands) 2008</i> principles.</p> |                            |
| <b>2 Environment and Heritage</b>       |  |  |                            |
| <b>2.1 Environment Protection Zones</b> | <p>A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "<i>Rural Lands</i>".</p> | <p>This planning proposal updates mapping inconsistencies in Byron LEP 2014 to reflect the gazettal of National Parks.</p> <p>Item 4 does remove E1 zoning from a small corner of private property that has been incorrectly mapped. This amendment is to correct a minor mapping error and will have no effect on the National Park adjacent to the private property.</p>   | Consistent                 |
| <b>2.2 Coastal Management</b>           | <p>Direction applies when a relevant planning authority prepares a planning proposal that applies to land in the coastal zone.</p> <p>A planning proposal must include provisions that give effect to and are consistent with:</p> <p>(a) the objectives of the Coastal Management Act 2016 and the objectives of the relevant coastal management areas;</p>   | <p>Certain land affected by this proposal is located within the coastal zone, which affects the eastern half of Byron Shire.</p> <p>In a number of locations this planning proposal will alter zone boundaries. These are all minor mapping anomalies and will not impact significantly on coastal protection, coastal design or</p>   | Consistent.                |



| S. 9.1 Direction          | Application  | Relevance to this planning proposal  | Consistency with direction |
|---------------------------|--|--|----------------------------|
|                           | <p>(b) the NSW Coastal Management Manual and associated Toolkit;</p> <p>(c) NSW Coastal Design Guidelines 2003; and</p> <p>(d) any relevant Coastal Management Program that has been certified by the Minister, or any Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016, that applies to the land.</p> <p>A planning proposal must not rezone land which would enable increased development or more intensive land-use on land:</p> <p>(a) within a coastal vulnerability area identified by the State Environmental Planning Policy (Coastal Management) 2018; or</p> <p>(b) that has been identified as land affected by a current or future coastal hazard in a local environmental plan or development control plan, or a study or assessment undertaken:</p> <p>(i) by or on behalf of the planning proposal authority and the planning proposal authority, or</p> <p>(ii) by or on behalf of a public authority and provided to the planning proposal authority.</p> | management of the coastline.   |                            |
| 2.3 Heritage Conservation | <p>A planning proposal must contain provisions that facilitate the conservation of:</p> <p>(a) Items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</p> <p>(b) Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i>, and</p> <p>(c) Aboriginal areas, Aboriginal</p>  | <p>Byron LEP 2014 currently contains provisions that are consistent with this Direction.</p> <p>This planning proposal will affect 9 listed Heritage Items. Amendments are of a minor nature and are to better align with cadastral boundaries, reflect recent subdivisions, align mapping with the state listing or to fix minor description errors. All heritage mapping changes have been considered in consultation with Councils heritage consultant.</p> | Consistent                 |

| S. 9.1 Direction | Application  | Relevance to this planning proposal | Consistency with direction |
|------------------|--|-------------------------------------|----------------------------|
|                  | <p>objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</p> |                                     |                            |

| S. 9.1 Direction  | Application  | Relevance to this planning proposal  | Consistency with direction |
|---|--|--|----------------------------|
| 2.4 Recreation Vehicle Areas  | <p>A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the <i>Recreation Vehicles Act 1983</i>):</p> <ul style="list-style-type: none"> <li>(a) where the land is within an environment protection zone,</li> <li>(b) where the land comprises a beach or a dune adjacent to or adjoining a beach,</li> <li>(c) where the land is not within an area or zone referred to in paragraphs (4)(a) or (4)(b) unless the relevant planning authority has taken into consideration: <ul style="list-style-type: none"> <li>(i) the provisions of the guidelines entitled <i>Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September 1985</i>, and</li> <li>(ii) the provisions of the guidelines entitled <i>Recreation Vehicles Act, 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985</i>.</li> </ul> </li> </ul> | The proposal does not enable land to be developed for the purpose of a recreation vehicle area.  | N/A                        |
| 2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs | <p>This direction applies when a relevant planning authority prepares a planning proposal:</p> <ul style="list-style-type: none"> <li>(a) that introduces or alters an E2 Environmental Conservation or E3 Environmental Management zone;</li> <li>(b) that introduces or alters an overlay and associated clause</li> </ul>   | This planning proposal does not introduce or alter an E2 or E3 Zone  | N/A                        |
| <b>3. Housing, Infrastructure and Urban Development</b>                               |  |  |                            |
| 3.1 Residential Zones   | <p>This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:</p> <ul style="list-style-type: none"> <li>(a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary),</li> <li>(b) any other zone in which significant</li> </ul>  | The planning proposal does affect residential zoned land in a number of locations. However all map changes are minor and will not impact significantly on its residential use or the provision of housing. | Consistent                 |

| S. 9.1 Direction                                | Application   | Relevance to this planning proposal   | Consistency with direction |
|---|---|---|----------------------------|
|   | <p>residential development is permitted or proposed to be permitted.</p> <p>A planning proposal must include provisions that encourage the provision of housing that will:</p> <ul style="list-style-type: none"> <li>(a) broaden the choice of building types and locations available in the housing market, and</li> <li>(b) make more efficient use of existing infrastructure and services, and</li> <li>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and be of good design.</li> </ul> <p>A planning proposal must, in relation to land to which this direction applies:</p> <ul style="list-style-type: none"> <li>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</li> <li>(b) not contain provisions which will reduce the permissible residential density of land.</li> </ul> |   |                            |
| 3.2 Caravan Parks and Manufactured Home Estates | <p>Applies when a relevant planning authority prepares a planning proposal.</p> <p>In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:</p> <ul style="list-style-type: none"> <li>• retain provisions that permit development for the purposes of a caravan park to be carried out on land, and</li> <li>• retain the zonings of existing caravan parks, or in the case of a new principal LEP, zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park.</li> </ul>  | <p>This planning proposal does not impact any caravan parks or MHEs or prohibit the development of caravan parks or MHEs.</p> | N/A                        |

| S. 9.1 Direction                            | Application   | Relevance to this planning proposal  | Consistency with direction |
|---|---|--|----------------------------|
|   | <p>In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:</p> <ul style="list-style-type: none"> <li>(a) take into account the categories of land set out in Schedule 2 of SEPP 36 as to where MHEs should not be located,</li> <li>(b) take into account the principles listed in clause 9 of SEPP 36 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and</li> <li>(c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the <i>Community Land Development Act 1989</i> be permissible with consent.</li> </ul> |  |                            |
| 3.3 Home Occupations                        | Planning proposals must permit home occupations to be carried out in dwelling-houses without the need for development consent.  | This proposal does not alter home occupation provisions in Byron LEP 2014.   | N/A                        |
| 3.4 Integrating Land Use and Transport      | <p>Applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p> <p>A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p style="padding-left: 40px;"><i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and</p> <p style="padding-left: 40px;"><i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).</p>   | The planning proposal will make only minor changes to urban zones. There is unlikely to be any impact on public transport as a result of this planning proposal. | Consistent.                |
| 3.5 Development Near Regulated Airports and | Applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land near a   | The planning proposal will not alter provisions on land in the vicinity of the Tyagarah  | N/A                        |

| S. 9.1 Direction                      | Application   | Relevance to this planning proposal  | Consistency with direction |
|---------------------------------------|---|--|----------------------------|
| Defence Airfields                     | regulated airport which includes a defence airfield.  | aerodrome.   |                            |
| 3.6 Shooting Ranges                   | This direction applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range  | This planning proposal does not apply to any land adjacent to or adjoining an existing shooting range  | N/A                        |
| <b>4. Hazard and Risk</b>             |   |  |                            |
| 4.1 Acid Sulfate Soils                | <p>Applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.</p> <p>A council shall not prepare a draft LEP that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the council has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils.</p> | Some of the land subject to the planning proposal may be affected by acid sulfate soils. However, the planning proposal will not necessarily lead to intensification of land uses proposed on land identified on the Acid Sulfate Soils Planning Maps. Council will consider acid sulfate soils if it receives an application in a location affected by acid sulfate soils in accordance with cl. 6.1 of Byron LEP 2014. | Consistent.                |
| 4.2 Mine Subsidence and Unstable Land | <p>Applies when a relevant planning authority prepares a planning proposal that permits development on land that:</p> <ul style="list-style-type: none"> <li>(a) is within a mine subsidence district, or</li> <li>(b) has been identified as unstable in a study, strategy or other assessment undertaken: <ul style="list-style-type: none"> <li>(i) by or on behalf of the relevant planning authority, or</li> <li>(ii) by or on behalf of a public authority and provided to the relevant planning authority.</li> </ul> </li> </ul>   | This proposal does not impact on any mine subsidence area.   | N/A                        |
| 4.3 Flood Prone Land                  | <p>Applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p> <p>A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone</p>  | <p>The planning proposal will make only minor changes to land use zones. Byron LEP 2014 already contains a flood planning clause that would apply to development on land that is flood prone.</p> <p>The planning proposal will not</p>  | Consistent.                |

| S. 9.1 Direction | Application   | Relevance to this planning proposal  | Consistency with direction |
|------------------|---|--|----------------------------|
|                  | <p>Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>).</p> <p>A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environment Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.</p> <p>A planning proposal must not contain provisions that apply to the flood planning areas which:</p> <ul style="list-style-type: none"> <li>(a) permit development in floodway areas,</li> <li>(b) permit development that will result in significant flood impacts to other properties,</li> <li>(c) permit a significant increase in the development of that land,</li> <li>(d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or</li> <li>(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.</li> </ul> <p>A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p> | <p>permit significant development on flood prone land (beyond that already permitted).</p> <p>There is unlikely to be a net increase in demand for flood rescue services as a result of the minor changes in this planning proposal.</p> |                            |

| S. 9.1 Direction                     | Application  | Relevance to this planning proposal   | Consistency with direction |
|--------------------------------------|--|---|----------------------------|
|                                      | <p>For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p>  |   |                            |
| 4.4 Planning for Bushfire Protection | <p>Applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land. In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made.</p> <p>A planning proposal must:</p> <ul style="list-style-type: none"> <li>(a) have regard to <i>Planning for Bushfire Protection 2006</i>,</li> <li>(b) introduce controls that avoid placing inappropriate developments in hazardous areas, and</li> <li>(c) ensure that bushfire hazard reduction is not prohibited within the APZ.</li> </ul> <p>A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</p> <ul style="list-style-type: none"> <li>(a) provide an Asset Protection Zone (APZ) incorporating at a minimum: <ul style="list-style-type: none"> <li>(i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land</li> </ul> </li> </ul> | <p>The proposal contains areas of land identified as being Bushfire Prone. However, the zone changes are minor and will not result in significant land use changes or additional uses.</p> <p>Consultation with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 57 of the Act will take place when the gateway determination has been received. It is assumed that any concerns they may have can be addressed.</p> | Consistent.                |



| S. 9.1 Direction                          | Application  | Relevance to this planning proposal   | Consistency with direction |
|---|--|---|----------------------------|
|   | <p>intended for development and has a building line consistent with the incorporation of an APZ, within the property, and</p> <p>(ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,</p> <p>(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,</p> <p>(c) contain provisions for two-way access roads which link to perimeter roads and/or to fire trail networks,</p> <p>(d) contain provisions for adequate water supply for fire fighting purposes,</p> <p>(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,</p> <p>(f) introduce controls on the placement of combustible materials in the Inner Protection Area.</p> |   |                            |
| <b>5. Regional Planning</b>               |  |   |                            |
| 5.1 Implementation of Regional Strategies | Planning proposals must be consistent with a regional strategy released by the Minister for Planning.  | The planning proposal does not raise any policy issues relevant to the outcomes and actions contained within the Far North Coast Regional Strategy (FNCRS). | Consistent.                |

| S. 9.1 Direction   | Application   | Relevance to this planning proposal  | Consistency with direction |
|--|---|--|----------------------------|
| 5.2 Sydney Drinking Water Catchments   | This Direction applies when a relevant planning authority prepares a planning proposal that applies to land within the Sydney drinking water catchment.   | The proposal is not within this catchment.   | N/A                        |
| 5.3 Farmland of State and Regional Significance on the NSW Far North Coast   | <p>This Direction will apply when a relevant planning authority prepares a planning proposal for land mapped as:</p> <ul style="list-style-type: none"> <li>(a) State significant farmland, or</li> <li>(b) regionally significant farmland, or</li> <li>(c) significant non-contiguous farmland,</li> </ul> <p>on the set of four maps held in the Department of Planning and Environment marked "Northern Rivers Farmland Protection Project, Final Map 2005 (Section 117(2) Direction)".</p>   | Only very small areas of rural land are proposed to be rezoned by this planning proposal. There will be no significant impacts on farmland or agriculture. | Consistent                 |
| 5.4 Commercial and Retail Development along the Pacific Highway, North Coast | <p>A planning proposal that applies to land located on "within town" segments of the Pacific Highway must provide that:</p> <ul style="list-style-type: none"> <li>(a) new commercial or retail development must be concentrated within distinct centres rather than spread along the highway,</li> <li>(b) development with frontage to the Pacific Highway must consider the impact the development has on the safety and efficiency of the highway.</li> <li>(c) For the purposes of this paragraph, "within town" means areas which, prior to the draft local environmental plan, have an urban zone (eg "village", "residential", "tourist", "commercial", "industrial", etc) and where the Pacific Highway speed limit is less than 80 km/hour.</li> </ul> <p>A planning proposal that applies to land located on "out-of-town" segments of the Pacific Highway must provide that:</p> <ul style="list-style-type: none"> <li>(a) new commercial or retail development must not be established near the Pacific Highway if this proximity would be inconsistent with the objectives of</li> </ul> | This planning proposal does not affect commercial or retail uses in proximity to the Pacific Highway.  | N/A                        |

| S. 9.1 Direction                           | Application   | Relevance to this planning proposal  | Consistency with direction |
|--|---|--|----------------------------|
|  | <p>this Direction,</p> <p>(b) development with frontage to the Pacific Highway must consider the impact the development has on the safety and efficiency of the highway.</p> <p>(c) For the purposes of this paragraph, “out-of-town” means areas which, prior to the draft local environmental plan, do not have an urban zone (eg “village”, “residential”, “tourist”, “commercial”, “industrial”, etc) or are in areas where the Pacific Highway speed limit is 80 km/hour or greater.</p> |  |                            |
| 5.5 – 5.8 revoked                          |   |  |                            |
| 5.9 North West Rail Link Corridor Strategy | This Direction applies when a relevant planning authority prepares a planning proposal for land within the North West Rail Link Corridor, as identified in the NWRL Corridor Strategy and Structure Plans.  | Not applicable to Byron Shire  | N/A                        |
| 5.10                                       | Planning proposals must be consistent with a Regional Plan released by the Minister for Planning  | The changes proposed in this planning proposal are of a minor manner and seek to amend inconsistencies in the mapping within Byron LEP 2014. Keeping the LEP up to date and accurate will help allow for the visions and goals of the North Coast Regional Plan to be achieved | Consistent                 |
| 5.11                                       | This direction applies when a planning proposal authority prepares a planning proposal for land shown on the Land Application Map of <i>State Environmental Planning Policy (Aboriginal Land) 2019</i> .  | Not applicable to Byron shire at this stage as the Byron Shire LGA has not been mapped in the <i>State Environmental Planning Policy (Aboriginal Land) 2019</i>  | N/A                        |
| <b>6. Local Plan Making</b>                |   |  |                            |
| 6.1 Approval and Referral Requirements     | <p>A planning proposal must:</p> <p>(a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public</p>   | The planning proposal will not include provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority.  | N/A                        |

| S. 9.1 Direction                       | Application   | Relevance to this planning proposal  | Consistency with direction |
|--|---|--|----------------------------|
|  | <p>authority, and</p> <p>(b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:</p> <p>(i) the appropriate Minister or public authority, and</p> <p>(ii) the Director-General of the Department of Planning and Environment (or an officer of the Department nominated by the Director-General),</p> <p>prior to undertaking community consultation in satisfaction of section 57 of the Act, and</p> <p>(c) not identify development as designated development unless the relevant planning authority:</p> <p>(i) can satisfy the Director-General of the Department of Planning and Environment (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and</p> <p>(ii) has obtained the approval of the Director-General of the Department of Planning and Environment (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.</p> |  |                            |
| 6.2 Reserving Land for Public Purposes | A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of   | This planning proposal does add a zone for public purposes. Item 22 rezones council owned land Lot 60 DP 817888 from SP2 to RE1. The land was originally | Consistent                 |

| S. 9.1 Direction             | Application  | Relevance to this planning proposal   | Consistency with direction |
|------------------------------|--|---|----------------------------|
|                              | <p>Planning and Environment (or an officer of the Department nominated by the Director-General).</p>   | <p>owned by the Department of Education and was put up for sale. The land has long been used by the community as a formal and informal sporting field. The community wanted the land to remain as an open grassed area and continue to be used by formal sporting clubs. Council resolved to purchase the land using section 94 funds and rezone the lot to RE1 to allow for the area to continue to be used for public recreation.</p> <p>Approval from the Director-General of the Department of Planning and Environment will be sought after the Gateway determination.</p> |                            |
| 6.3 Site Specific Provisions | <p>Applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.</p> <p>A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:</p> <ul style="list-style-type: none"> <li>(a) allow that land use to be carried out in the zone the land is situated on, or</li> <li>(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</li> <li>(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.</li> </ul> | <p>The planning proposal will not facilitate any particular development to be carried out.</p> <p>The planning proposal does not contain schematic drawings.</p>  | N/A                        |

| S. 9.1 Direction | Application  | Relevance to this planning proposal | Consistency with direction |
|------------------|--|-------------------------------------|----------------------------|
|                  | A planning proposal must not contain or refer to drawings that show details of the development proposal. |                                     |                            |

### **Section C – Environmental, social and economic impact**

**Q7. 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?**

The amendments proposed will not adversely affect critical habitat or threatened species, populations or ecological communities, or their habitats.

**Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

There are negligible environmental effects likely as a result of the minor amendments and corrections outlined in this Planning Proposal. Items 1, 7, 17, 18, and 19 seek to map E1 National Parks and Nature Reserves zoning in the LEP helping to better protect environmental areas.

**Q9. Has the planning proposal adequately addressed any social and economic impacts?**

There are negligible social and economic impacts as a result of the minor amendments and corrections outlined in this Planning Proposal.

## **Section D – State and Commonwealth interests**

### **Q10. Is there adequate public infrastructure for the planning proposal?**

Public infrastructure provision is not relevant to the minor amendments and corrections outlined in this proposal as there will be no development as a result of this planning proposal.

### **Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?**

State and Commonwealth public authorities will be consulted after Gateway determination. Agencies that may have an interest in the amendments in this planning proposal are included in the following table

| <b>Agency</b> | <b>Reason for consultation</b>   |
|---------------|--|
| OEH           | Consultation on the amendments to the local heritage items and the mapping of the state heritage items |
| NPWS          | Mapping of NPWS to reflect gazettal of National Parks and Nature Reserves                              |
| RFS           | Agreement with direction 4.4 Planning for Bushfire Protection  |

## **PART 4 Mapping**

Amendments will be required to the following Byron LEP 2014 map sheets:

- Land Zoning Map – Sheet LZN\_003CC, Sheet LZN\_002A, Sheet LZN\_003CB, Sheet LZN\_002CA, Sheet LZN\_002B, Sheet LZN\_001A, Sheet LZN\_003CD
- Lot Size Map – Sheet LSZ\_002, Sheet LSZ\_003CB, Sheet LSZ\_002CA
- Floor Space Ratio Map – Sheet FSR\_003CB, Sheet FSR\_002CA
- Heritage Map – Sheet HER\_003CC, Sheet HER\_003CBA, Sheet HER\_003CBB, Sheet HER\_002BA
- Acid Sulfate Soils Map – Sheet ASS\_002, Sheet ASS\_002CA, Sheet ASS\_003CD
- Land Application Map

Maps presented in Attachment 1 are indicative only and are used to clearly demonstrate the proposed changes. As some of the items will amend the same map sheet, a final map will have to be created after public exhibition that combines all changes on the one map. The Land Application Map will be amended after public exhibition for all the items that change the zoning of land currently zoned Deferred Matter bringing them into Byron LEP 2014.

## **PART 5 Community Consultation**

Community consultation will be conducted in accordance with the Gateway determination. As the amendments in this planning proposal are of a minor nature a 14 day exhibition period is recommended. Notification of the exhibited planning proposal will include:

- A newspaper advertisement that circulates in the Byron LGA, which is the area affected by the planning proposal
- The websites of Byron Shire Council and the Department of Planning and Environment
- Notification in writing to the affected landowners

## **PART 6 Project Timelines**

An indicative project timeline is provided in the table below:

| <b>Plan making step</b>                   | <b>Estimated Completion</b> |
|---|-----------------------------|
| Gateway Determination                     | June 2019                   |
| Government Agency consultation            | July 2019                   |
| Public Exhibition Period                  | July 2019                   |
| Submissions Assessment                    | August 2019                 |
| Council assessment of planning proposal & | September 2019              |



|   |               |
|---|---------------|
| exhibition outcomes   |               |
| Submission of endorsed LEP amendment to Parliamentary Counsel for drafting (delegated authority)    | October 2019  |
| Council to make the LEP amendment (delegated authority)   | November 2019 |
| Forwarding of LEP amendment to Department of Planning & Environment for notification (if delegated) | November 2019 |

## Conclusion

Byron Shire Council has initiated a planning proposal to modify its 2014 LEP to make a range of minor changes relating to mapping inconsistencies and errors. Such changes help to ensure the Byron LEP 2014 is up to date to promote consistency and allow for the best possible planning and land use outcomes. The 22 amendments presented in this planning proposal include amendments to:

- Heritage item mapping to accurately reflect the heritage item area and remove unjustified mapping on neighbouring lots
- Heritage item mapping to reflect the State Heritage mapping
- Schedule 5 to update and correct errors on certain heritage items
- Land zoning maps to reflect gazettal of land to National Parks and Nature Reserves
- Land zoning maps to match cadastral boundaries and recent subdivisions
- Floor space ratio and lot size mapping as a consequence of land zoning map amendments
- Acid sulfate soils mapping to ensure the mapping is up to date and accurate

The planning proposal is broadly consistent with the Far North Coast Regional Strategy and SEPPs. It is also consistent (or justifiably inconsistent) with section 9.1 Directions.

## Attachment 1 – Current and Proposed Mapping Changes

Item 1: Amendment of zoning to reflect gazettal of Cumbebin Swamp Nature Reserve (11/11/2015)

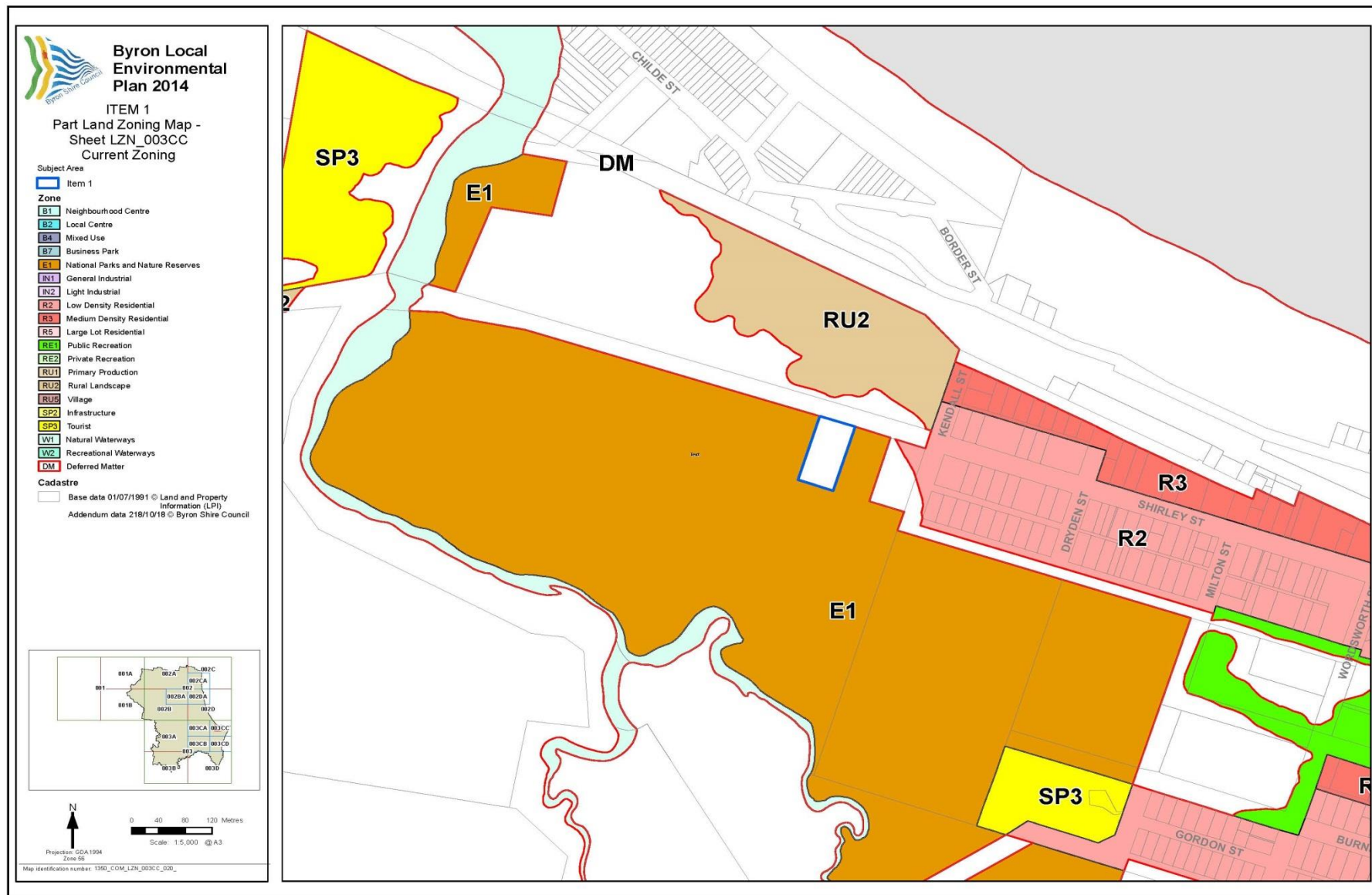


Figure 1.0: Current Zoning

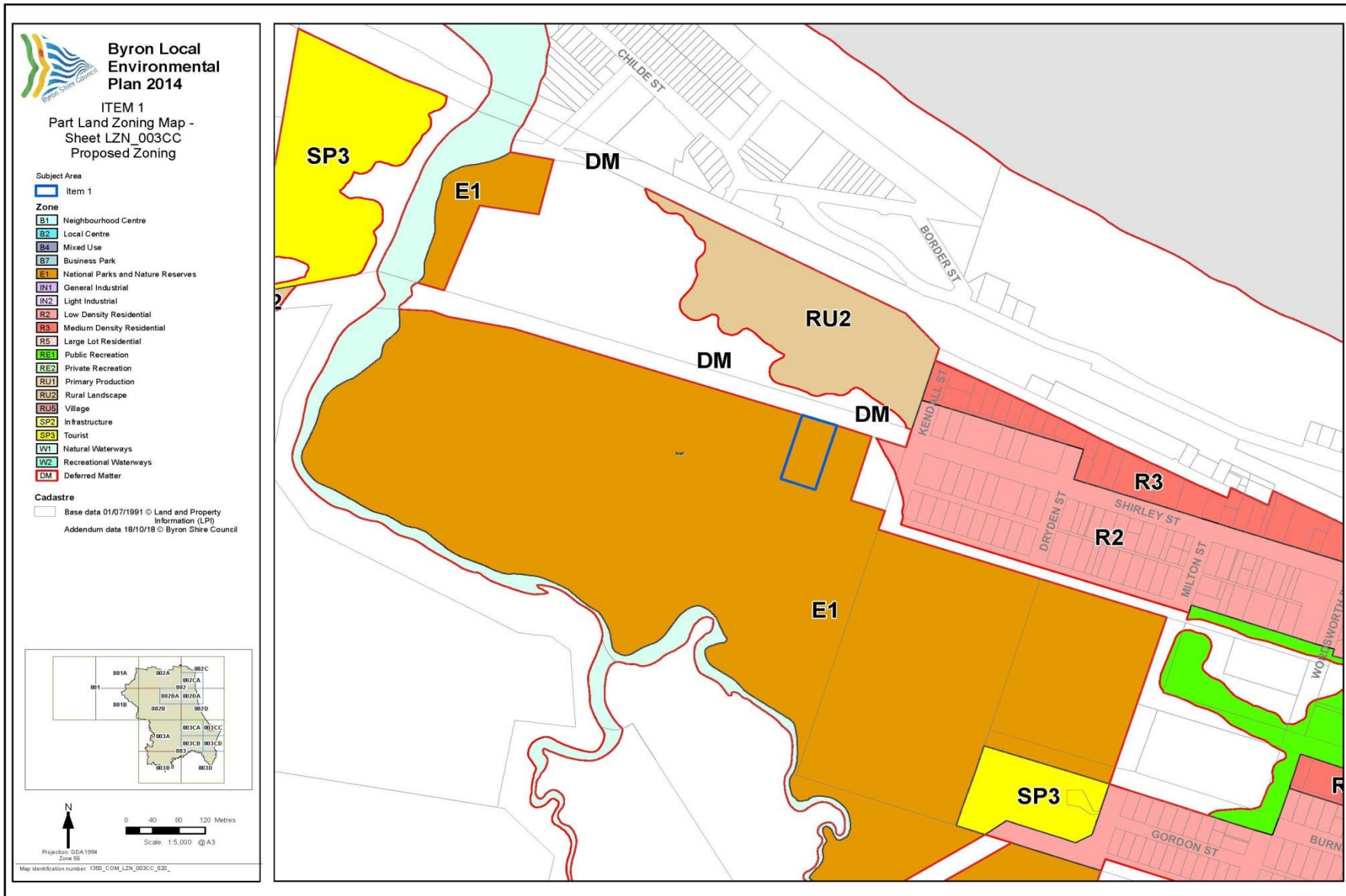
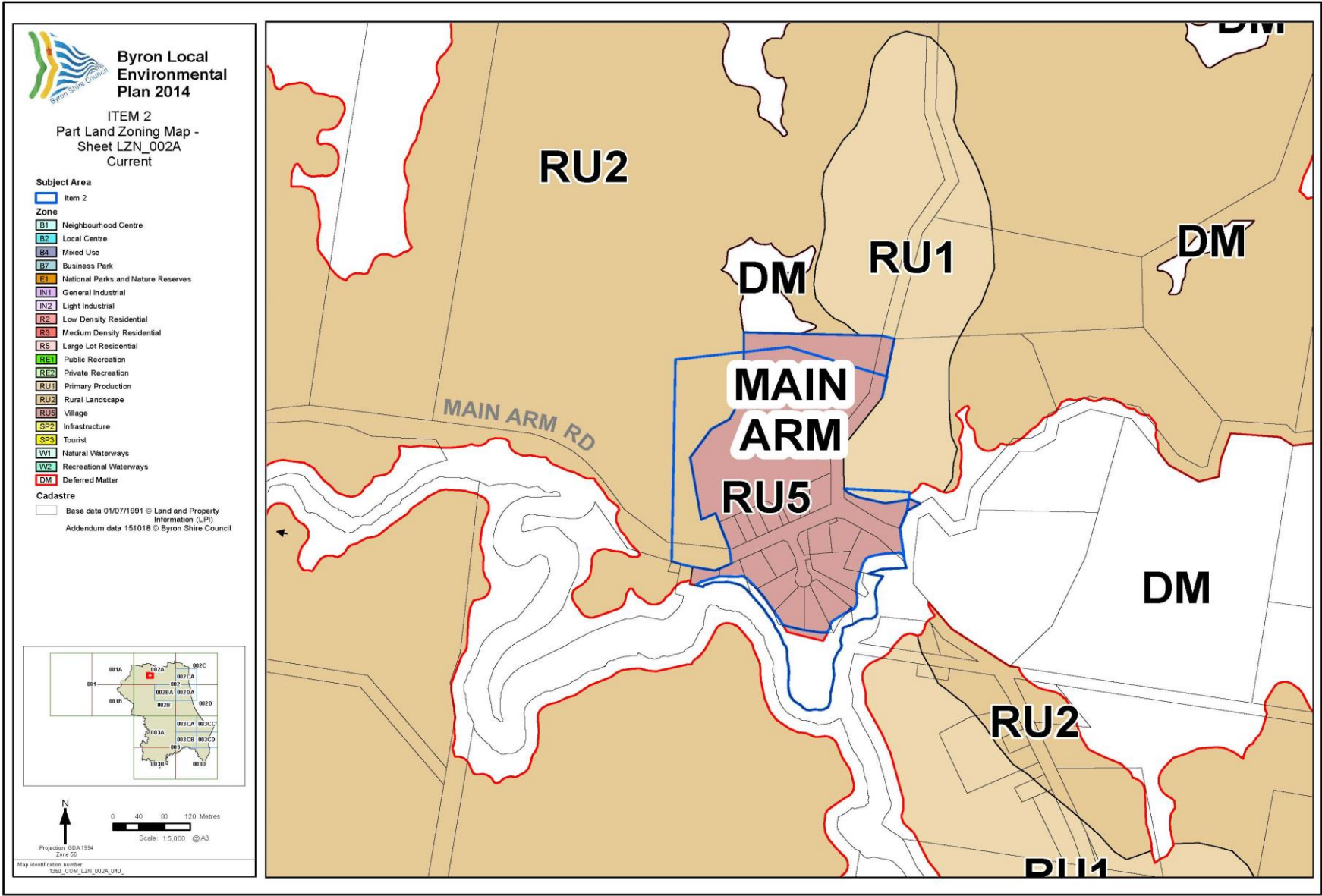


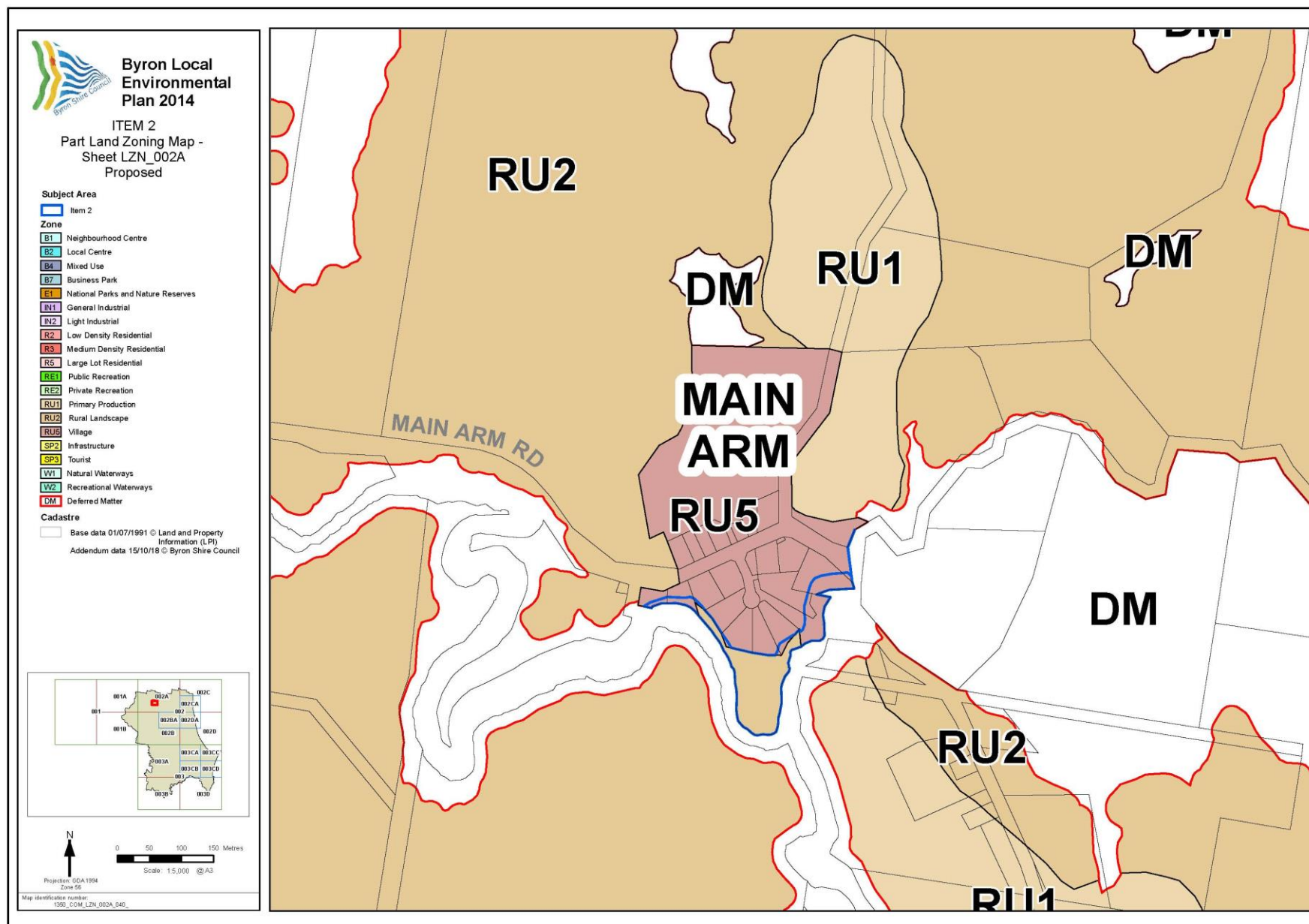
Figure 1.1: Proposed Zoning

Item 2: Amendment of the zoning and minimum lot size maps to correct minor cadastral boundaries and to change a DM parcel to RU2



## Figure 2.0: Current Zoning





### Figure 2.1: Proposed Zoning

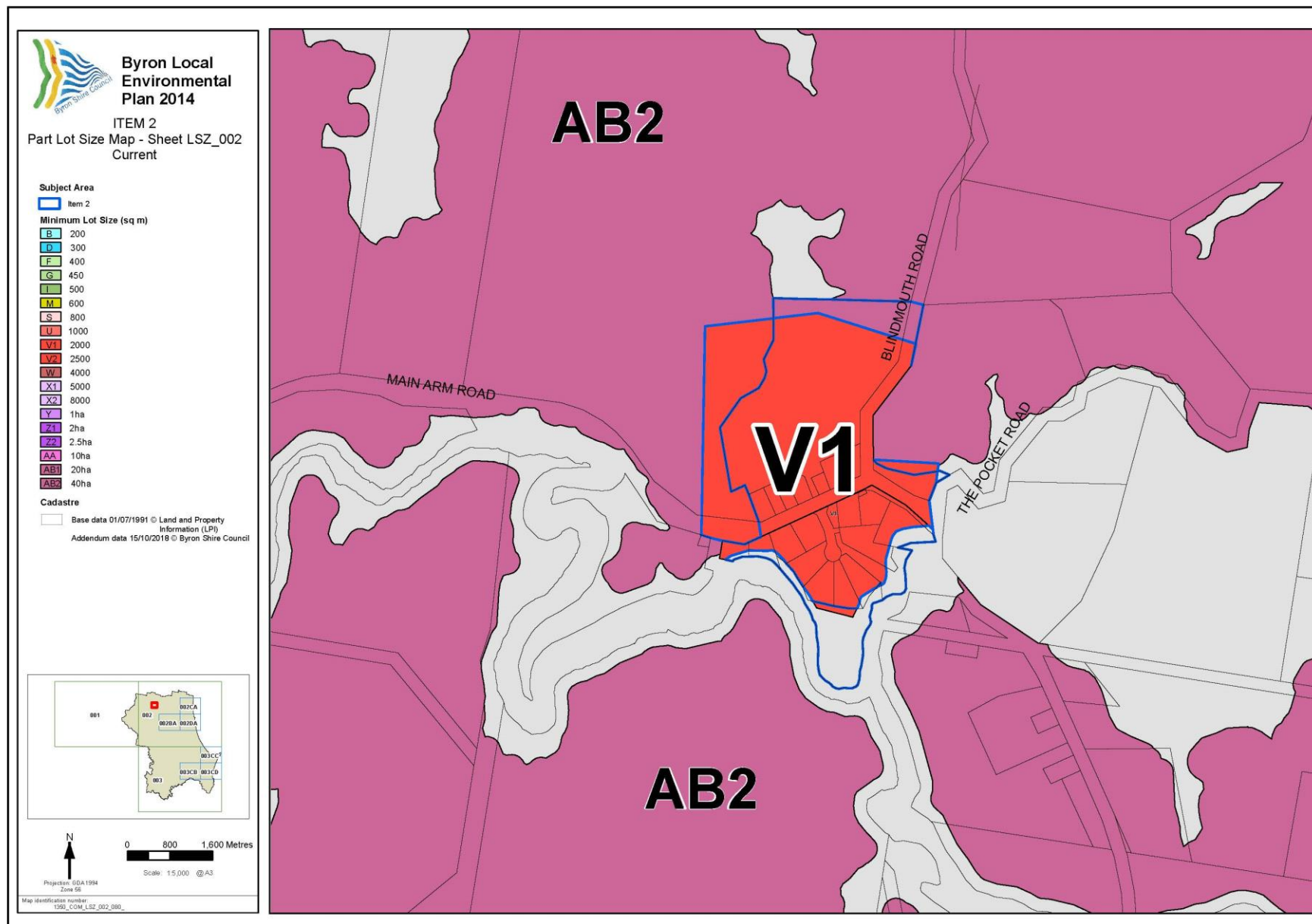


Figure 2.2: Current Lot Size Map



**Byron Local  
Environmental  
Plan 2014**

ITEM 2  
Part Lot Size Map - Sheet LSZ\_002  
Proposed

**Subject Area**

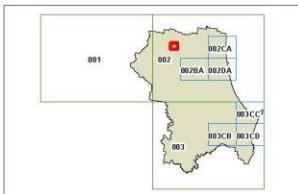


Minimum Lot Size (sq m)

|     |       |
|-----|-------|
| B   | 200   |
| D   | 300   |
| F   | 400   |
| G   | 450   |
| I   | 500   |
| M   | 600   |
| S   | 800   |
| U   | 1000  |
| V1  | 2000  |
| V2  | 2500  |
| W   | 4000  |
| X1  | 5000  |
| X2  | 8000  |
| Y   | 1ha   |
| Z1  | 2ha   |
| Z2  | 2.5ha |
| AA  | 10ha  |
| AB1 | 20ha  |
| AB2 | 40ha  |

**Cadastral**

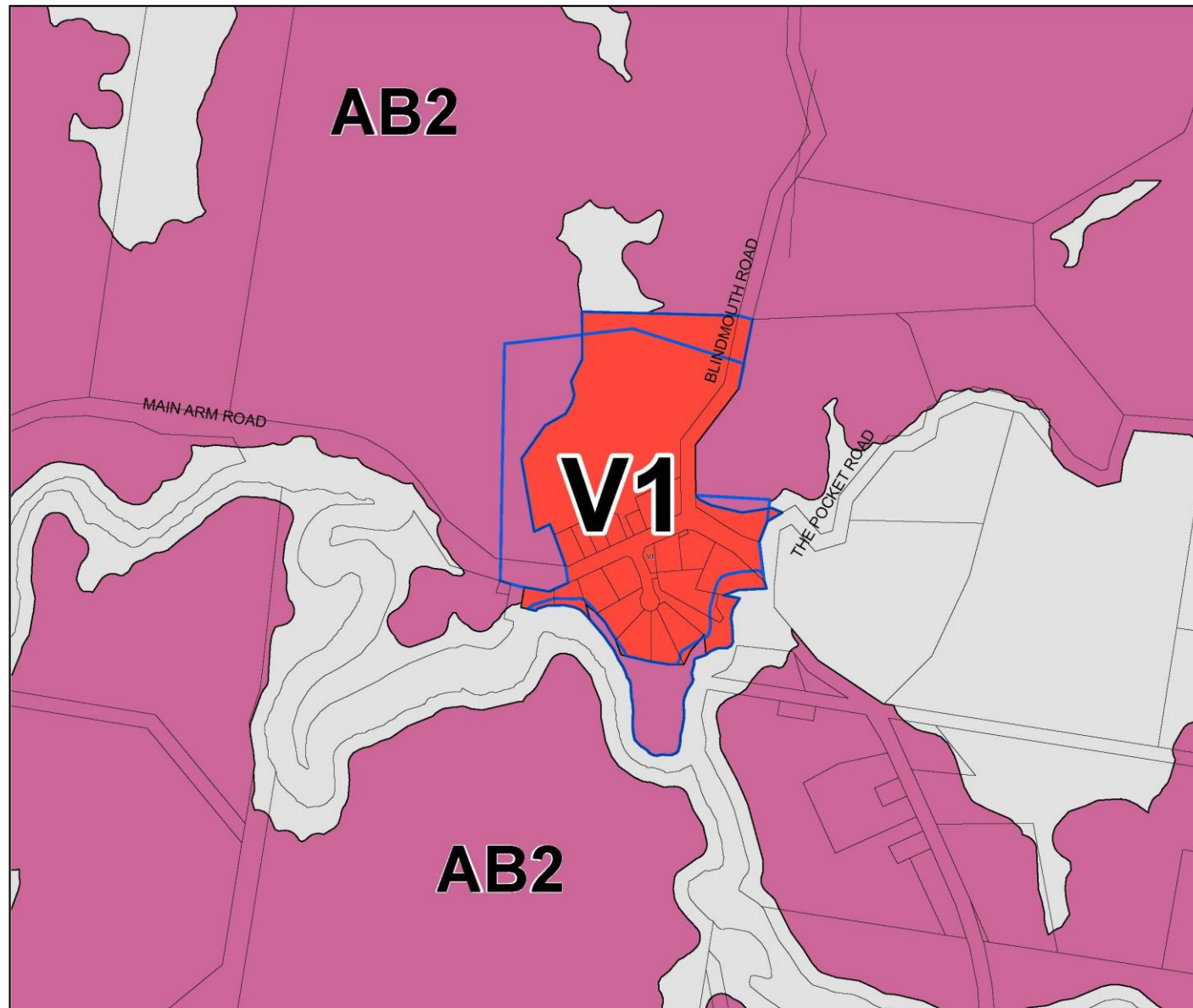
Base data 01/07/1991 © Land and Property  
Information (LPI)  
Addendum data 15/10/2019 © Byron Shire Council



0 800 1,600 Metres

Projection: GDA1994  
Zone 56

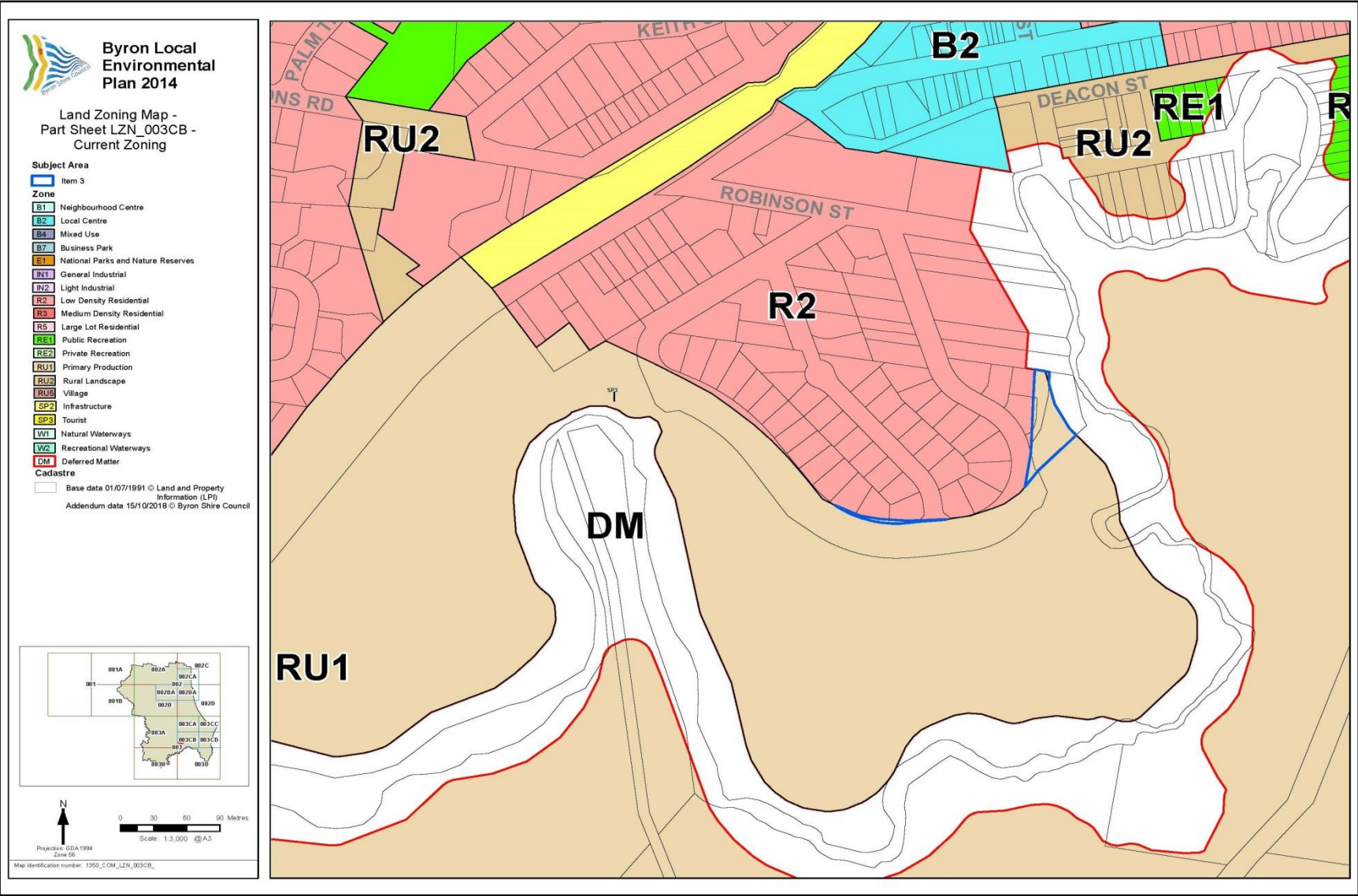
Map identification number:  
1390\_COM\_LS2\_002\_000



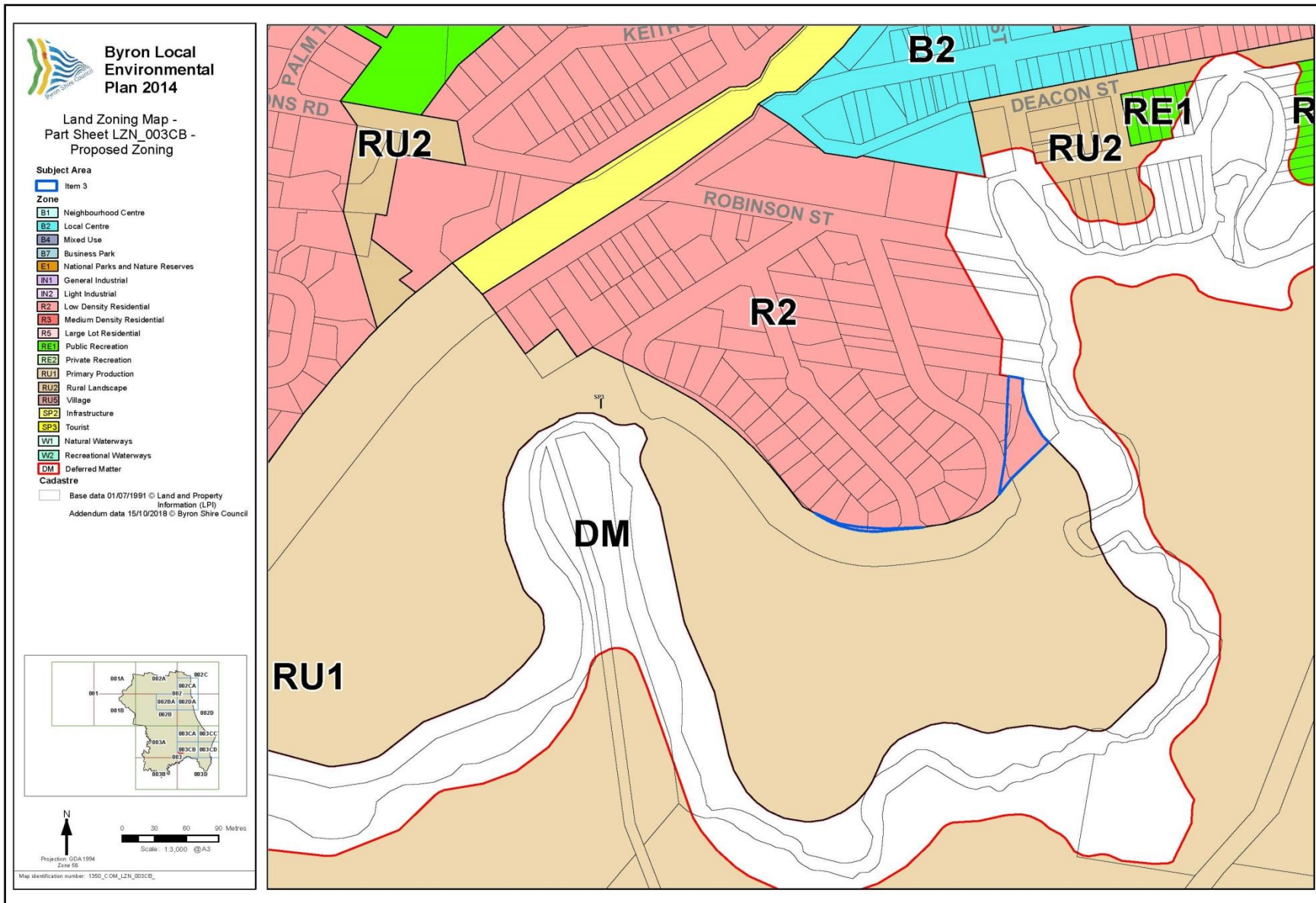
**Figure 2.3: Proposed Lot Size Map**



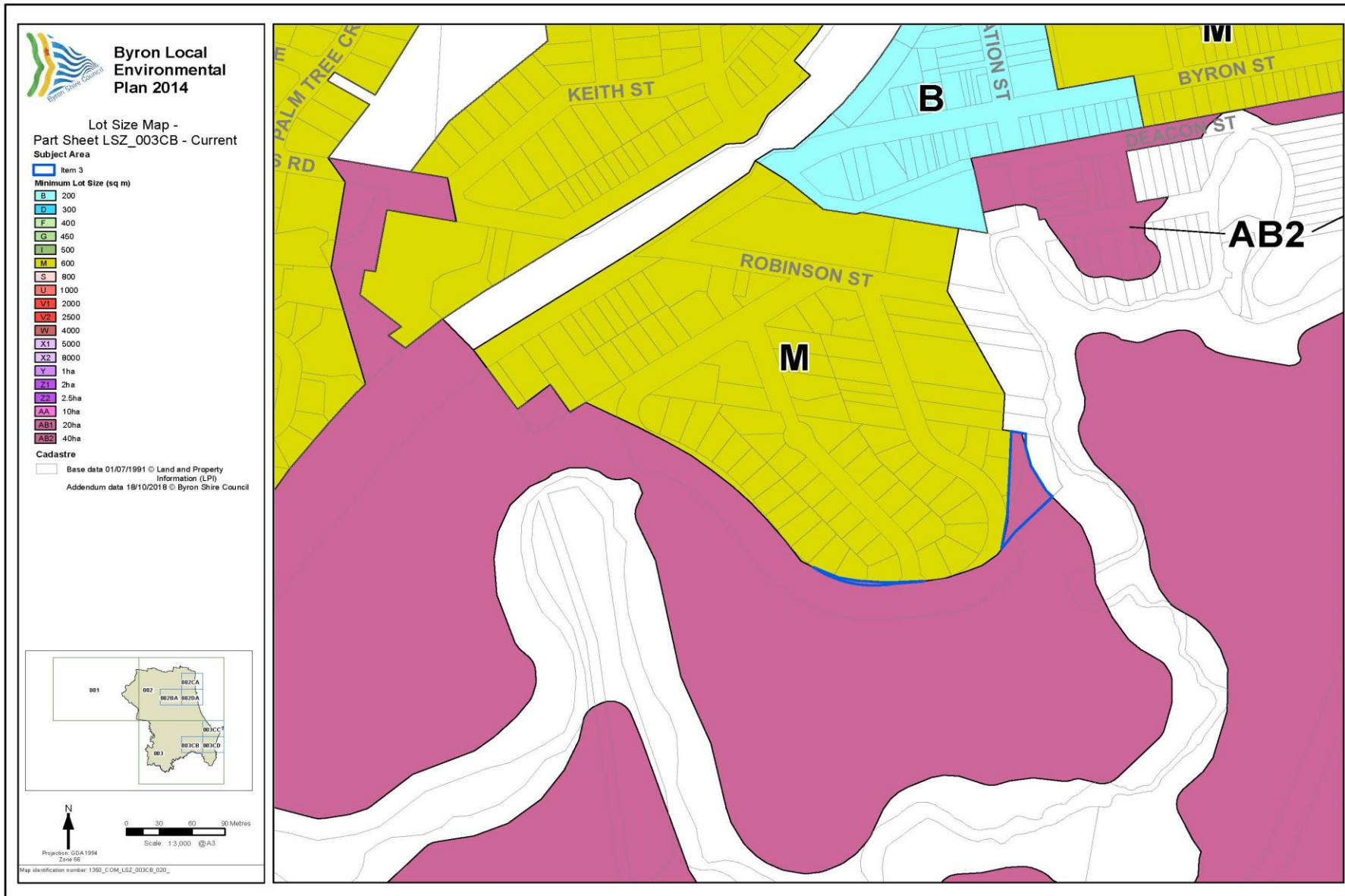
Item 3: Amendment of the zoning, minimum lot size and floor space ratio maps to align with cadastral boundaries





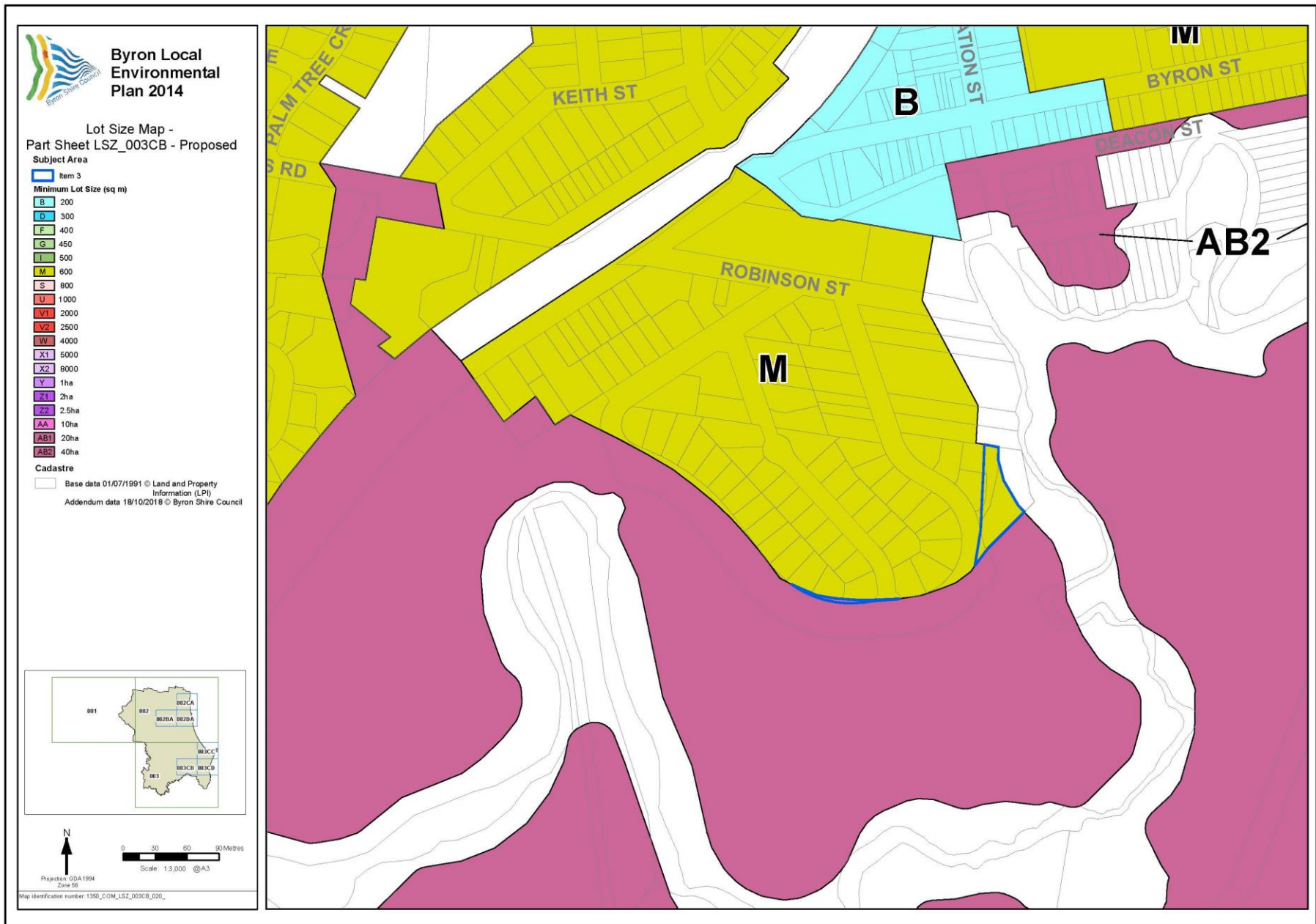


**Figure 3.1: Proposed Zoning**



**Figure 3.2: Current Lot Size Mapping**





**Figure 3.3: Proposed Lot Size Mapping**

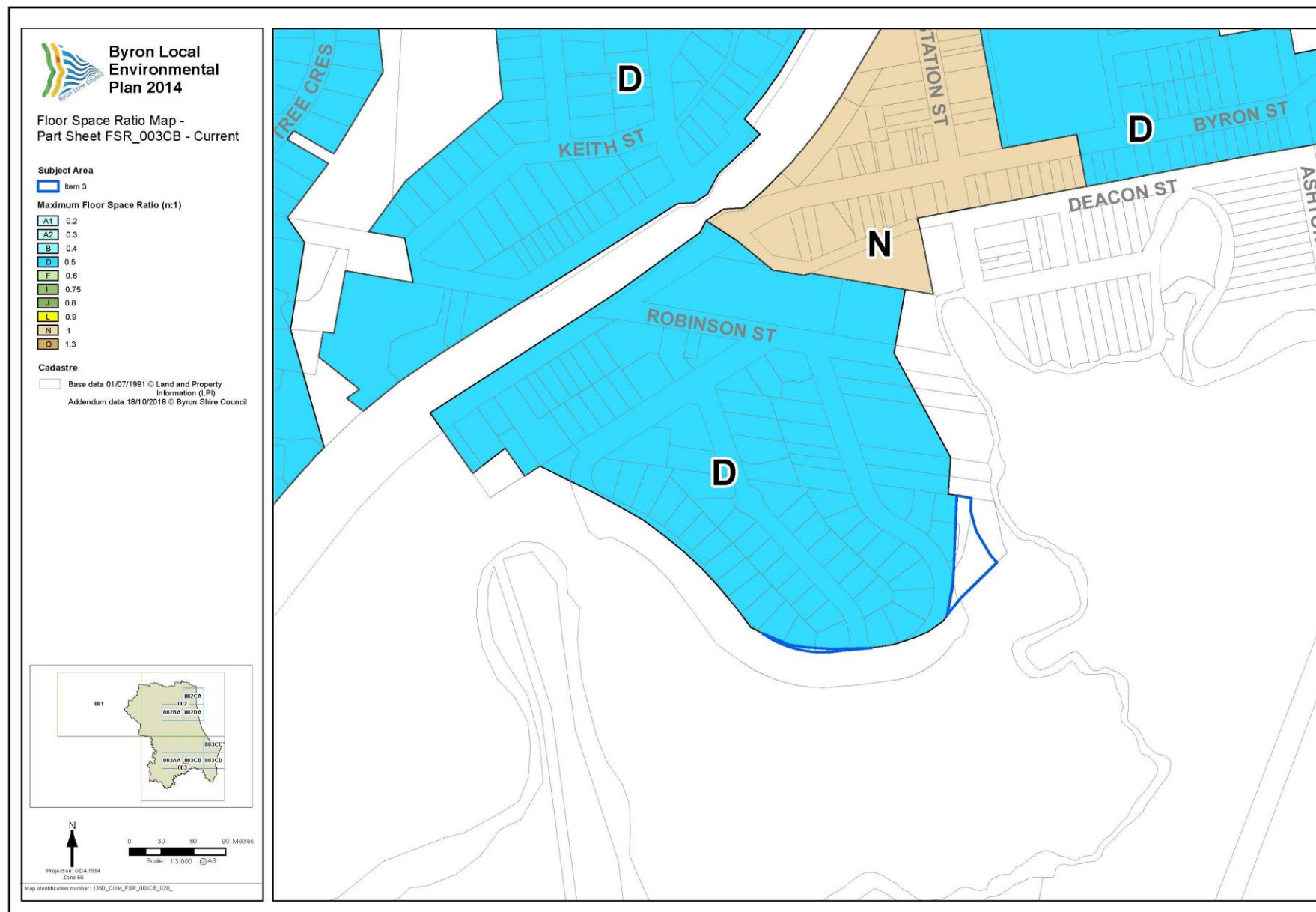
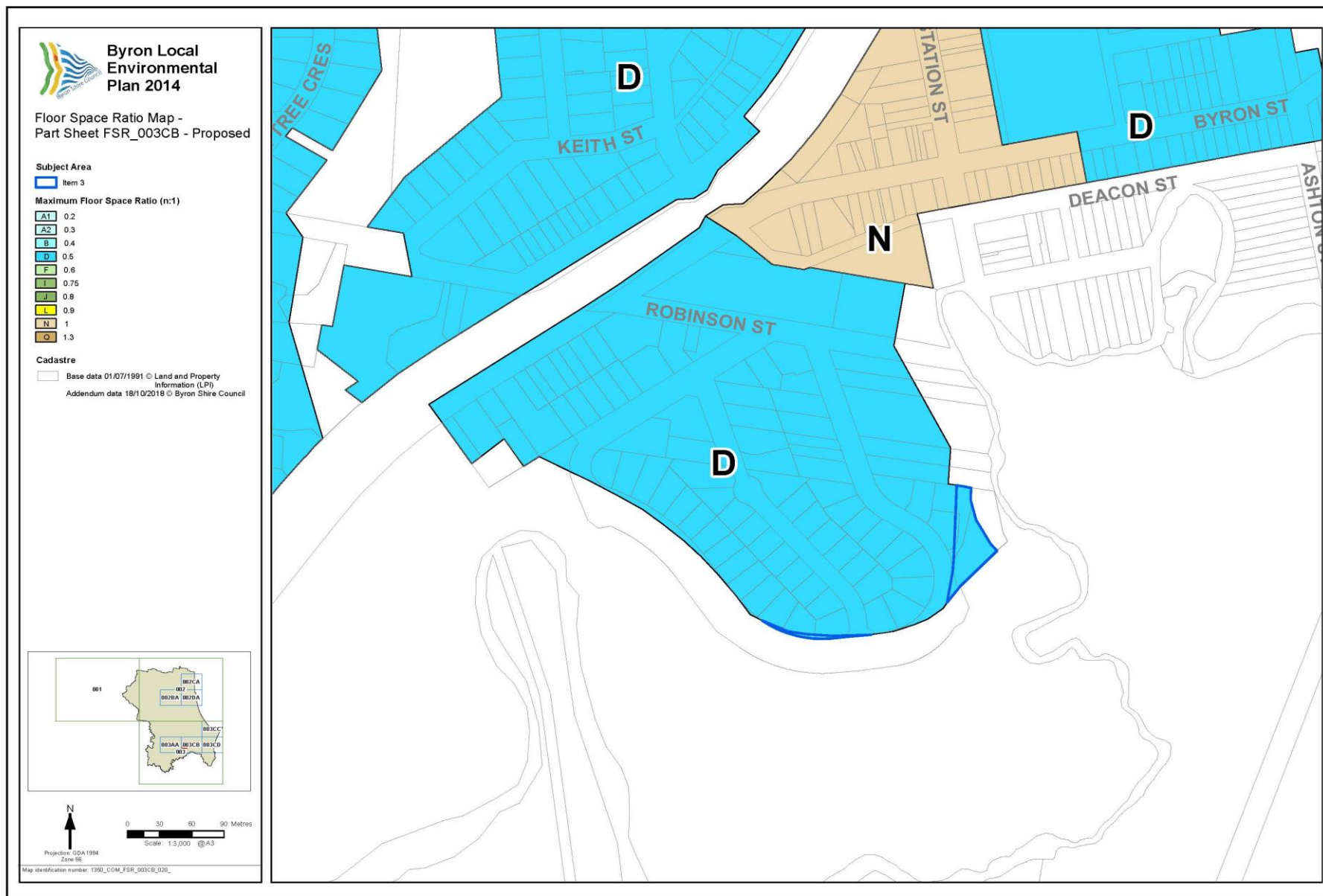


Figure 3.4: Current Floor Space Ratio



**Figure 3.5: Proposed Floor Space Ratio**



Item 4: Amendment to remove an E1 Zoning error on private property

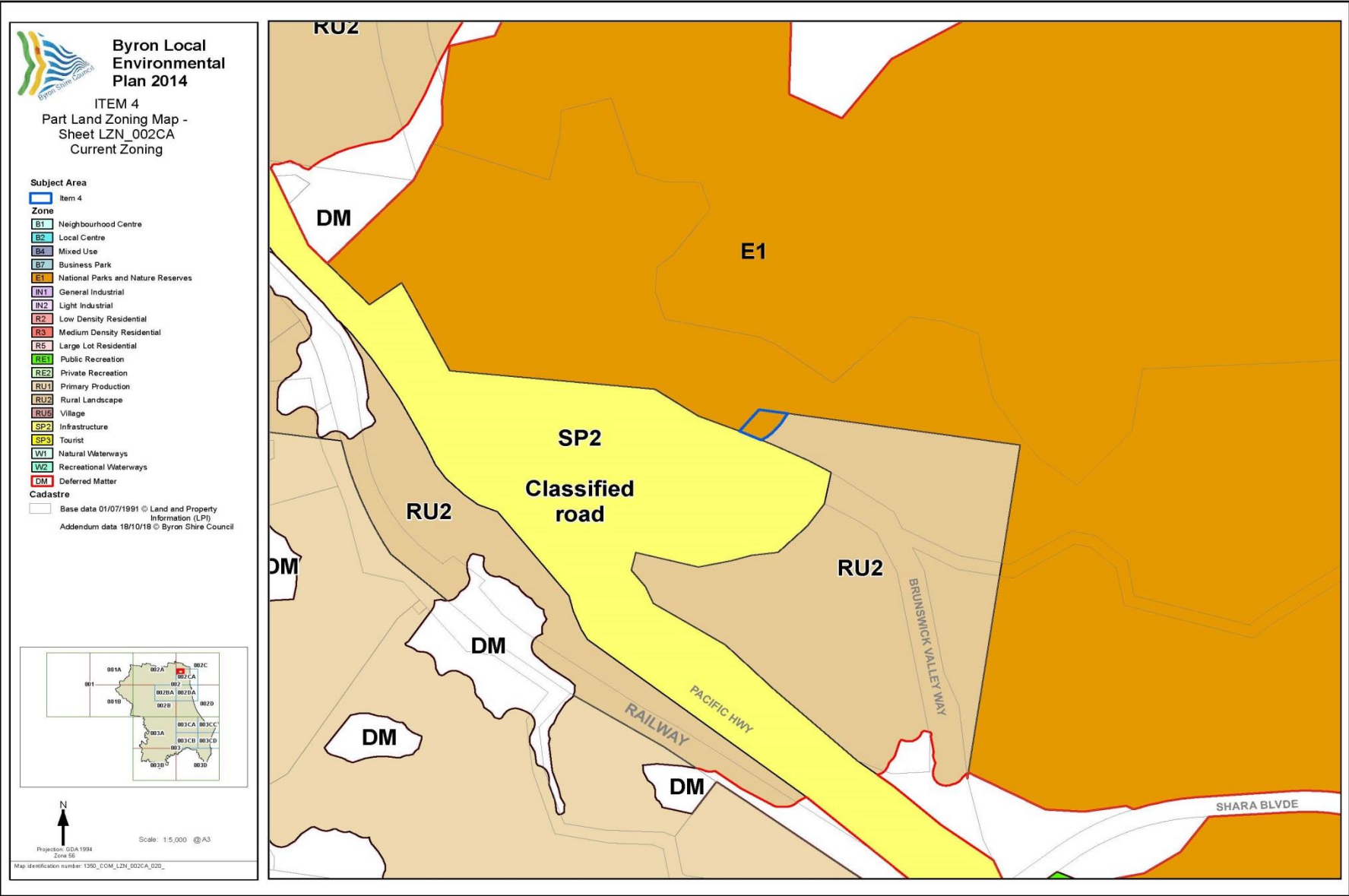
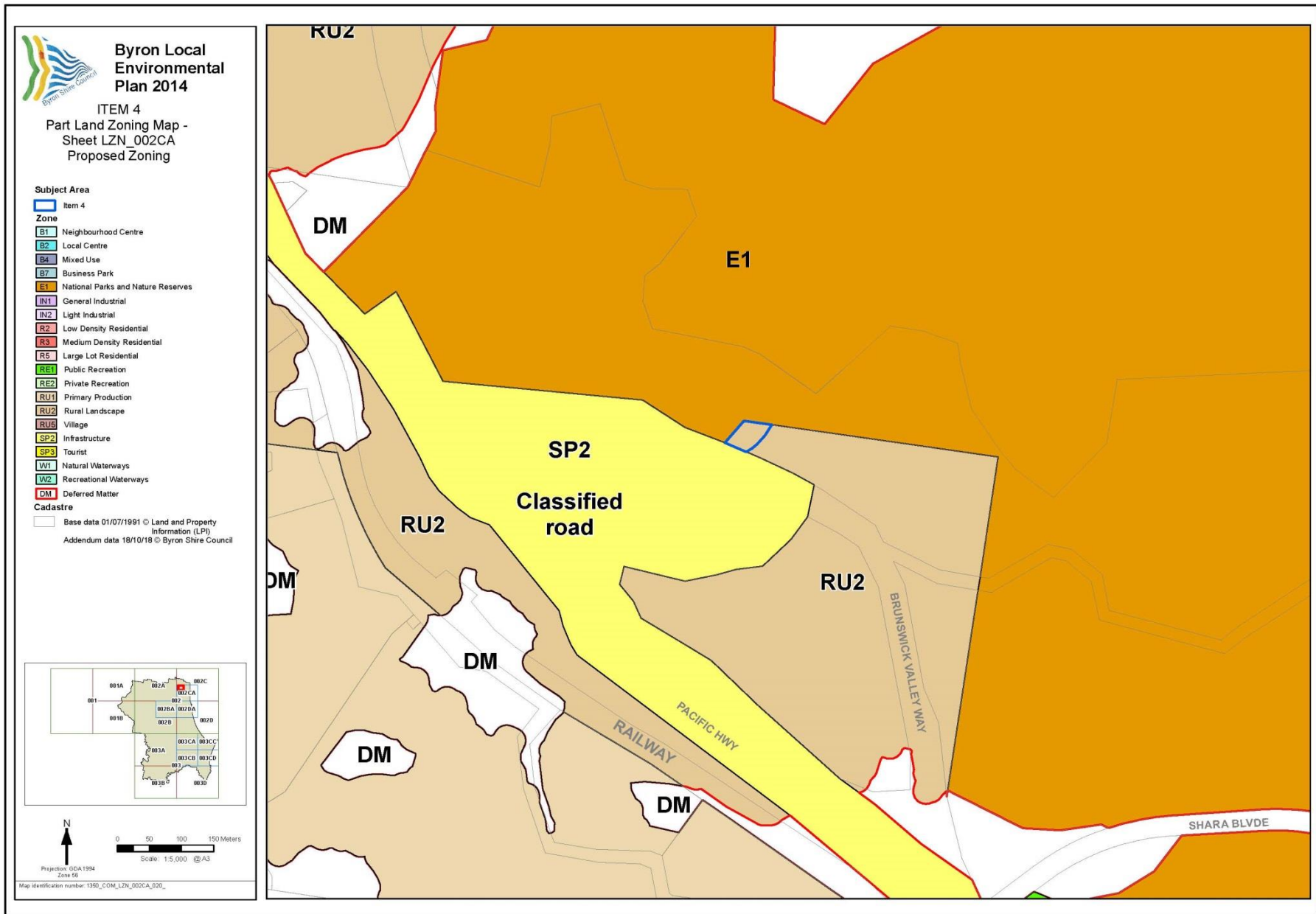


Figure 4.0: Current Zoning



**Figure 4.1: Proposed Zoning**

Item 5: Amendment to correct heritage mapping to reflect the State Heritage register of the Byron Bay Railway Station and yard group

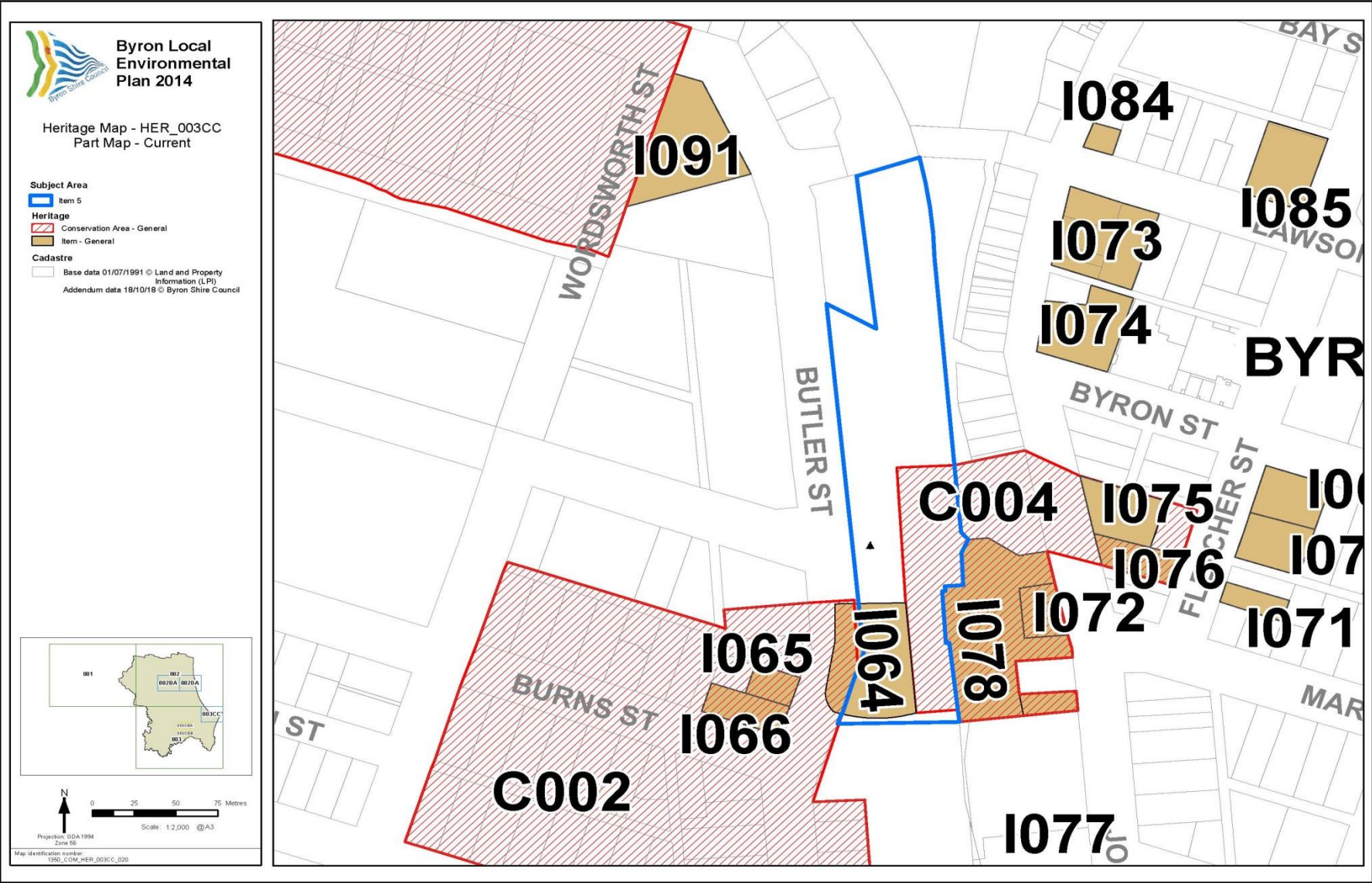


Figure 5.0: Current Heritage Mapping



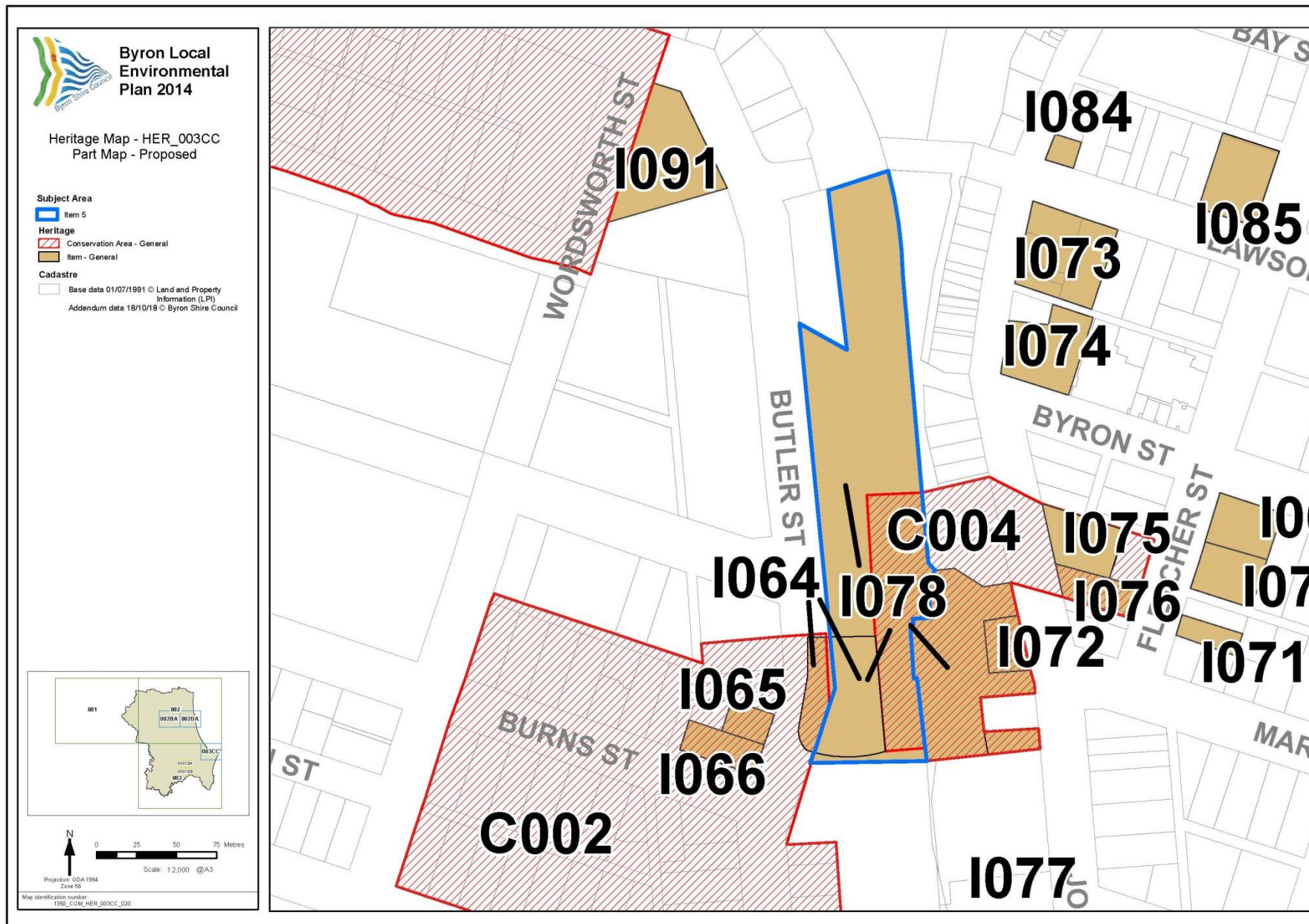
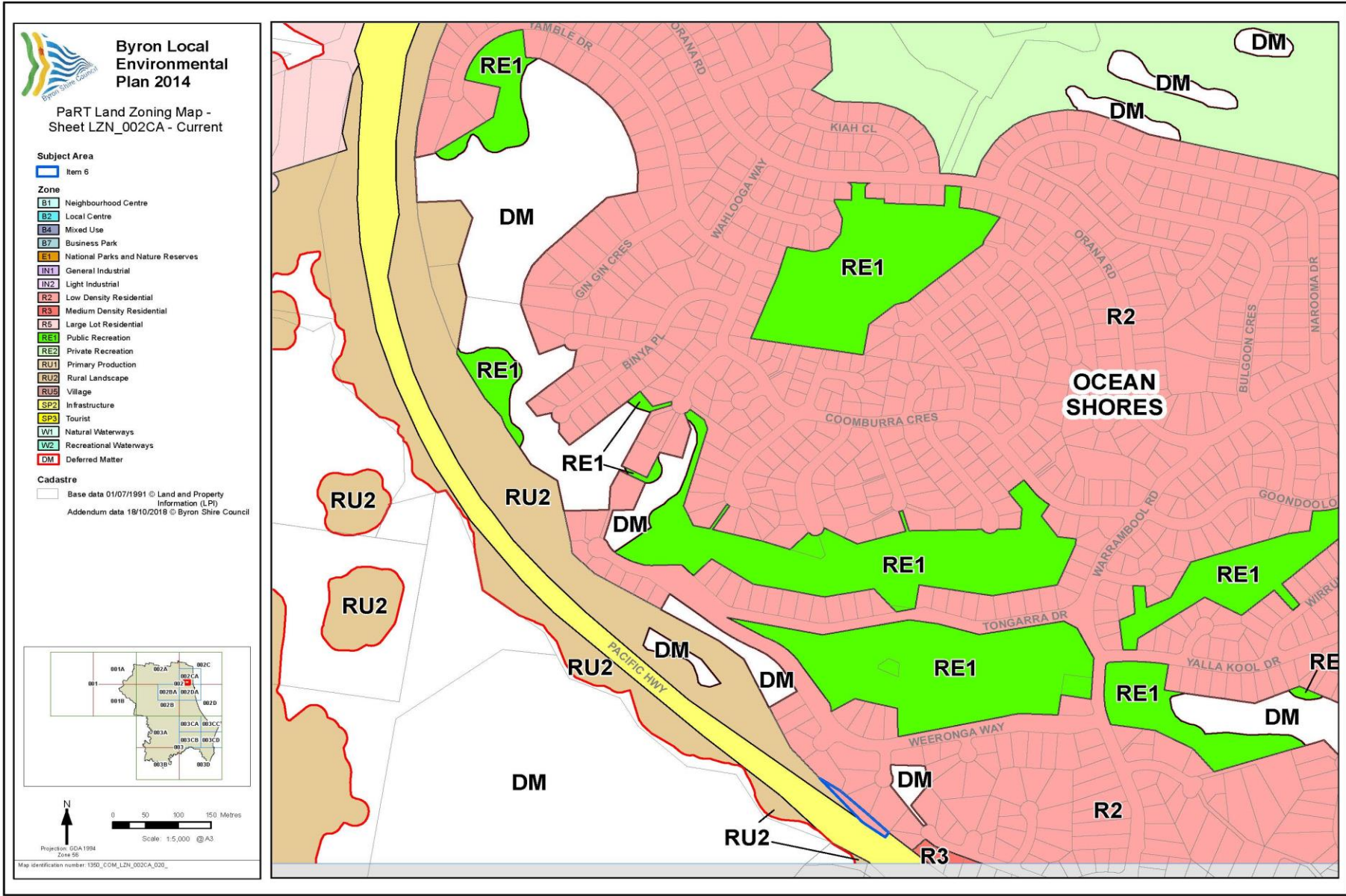


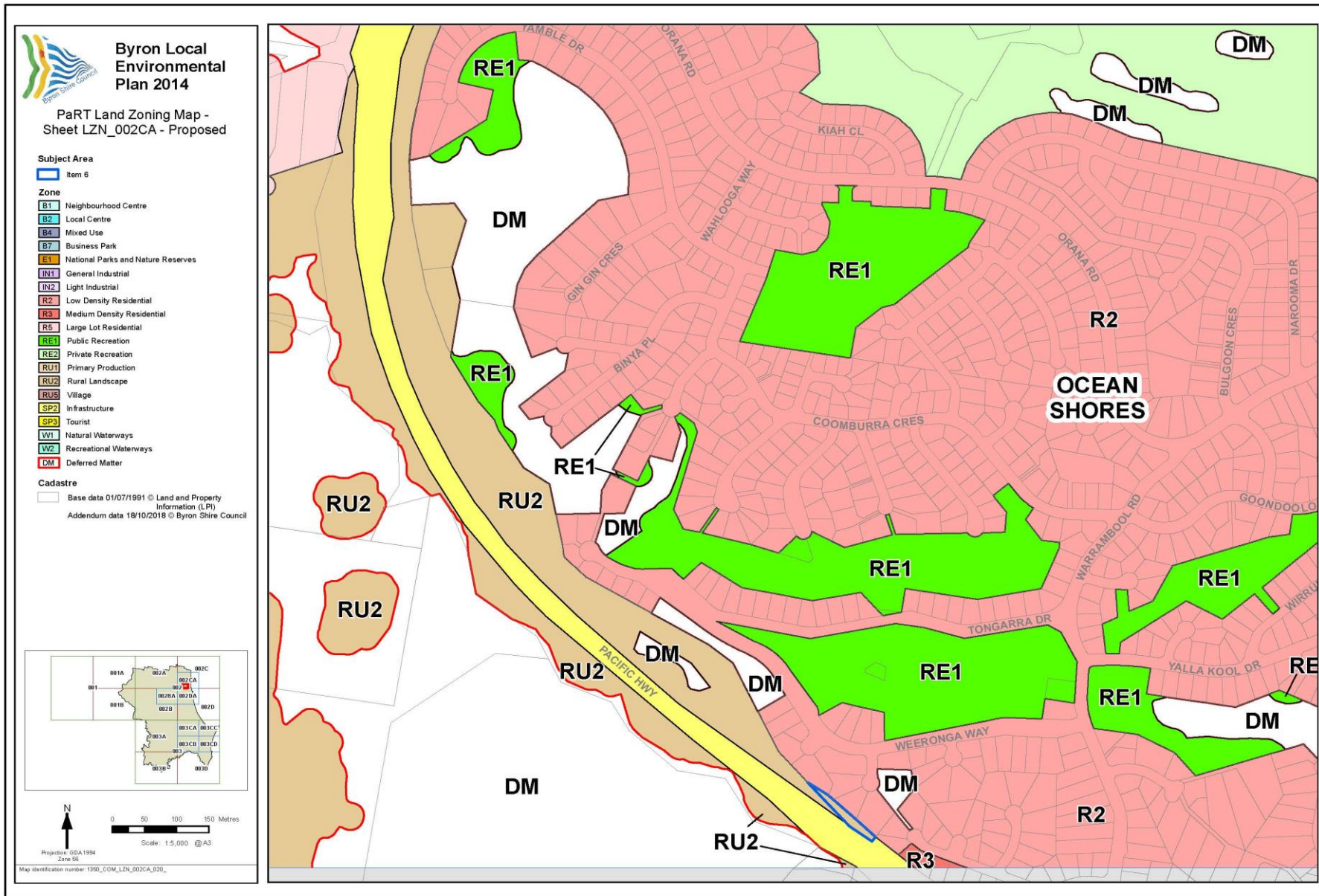
Figure 5.1: Proposed Heritage Mapping

Item 6: Amendment to remove residential zoning and the associated lot size and floor space ratio that overhangs on an ancillary road

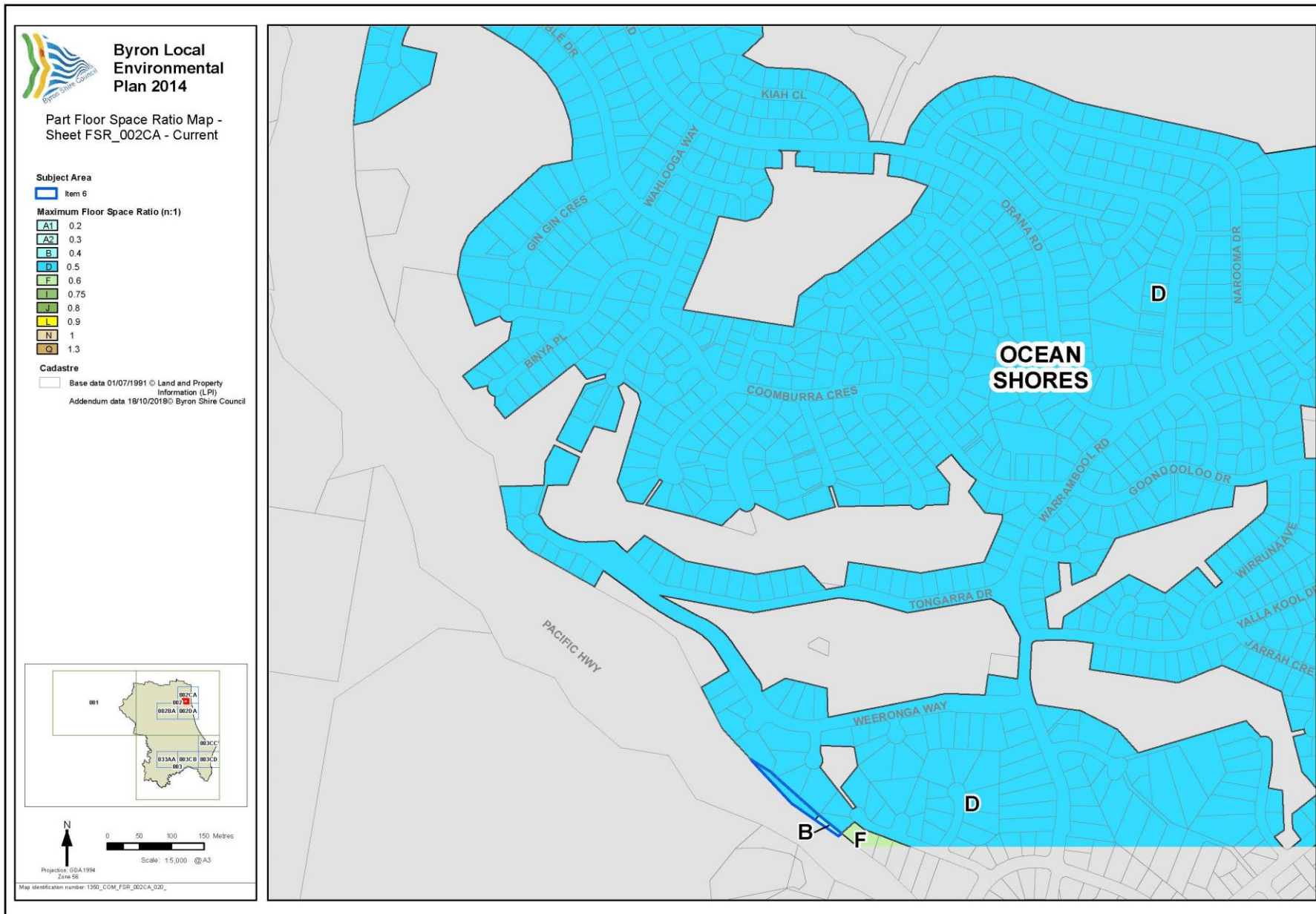


### Figure 6.0: Current Zoning



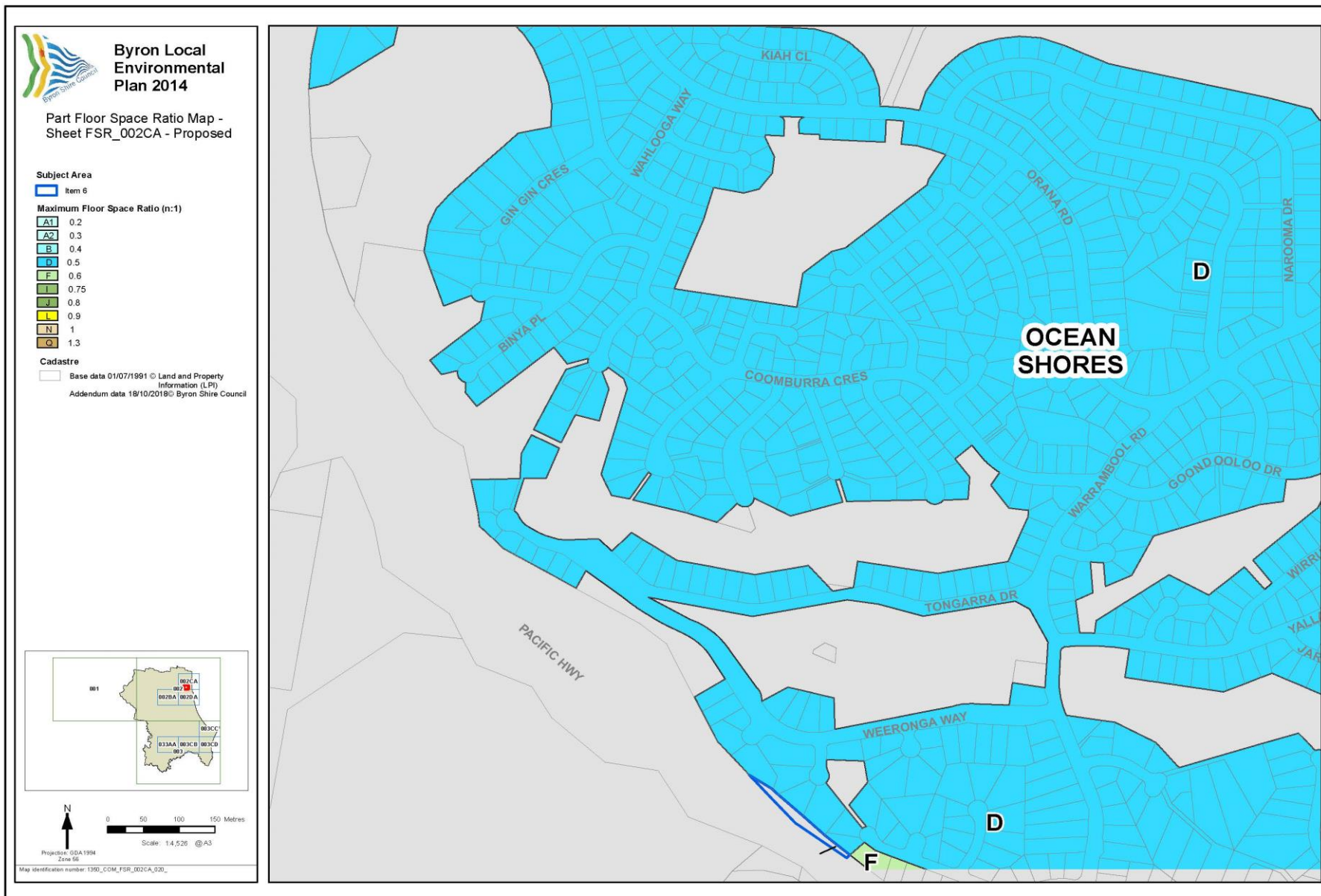


**Figure 6.1: Proposed Zoning**



**Figure 6.2: Current Floor Space Ratio**





**Figure 6.3: Proposed Floor Space Ratio**

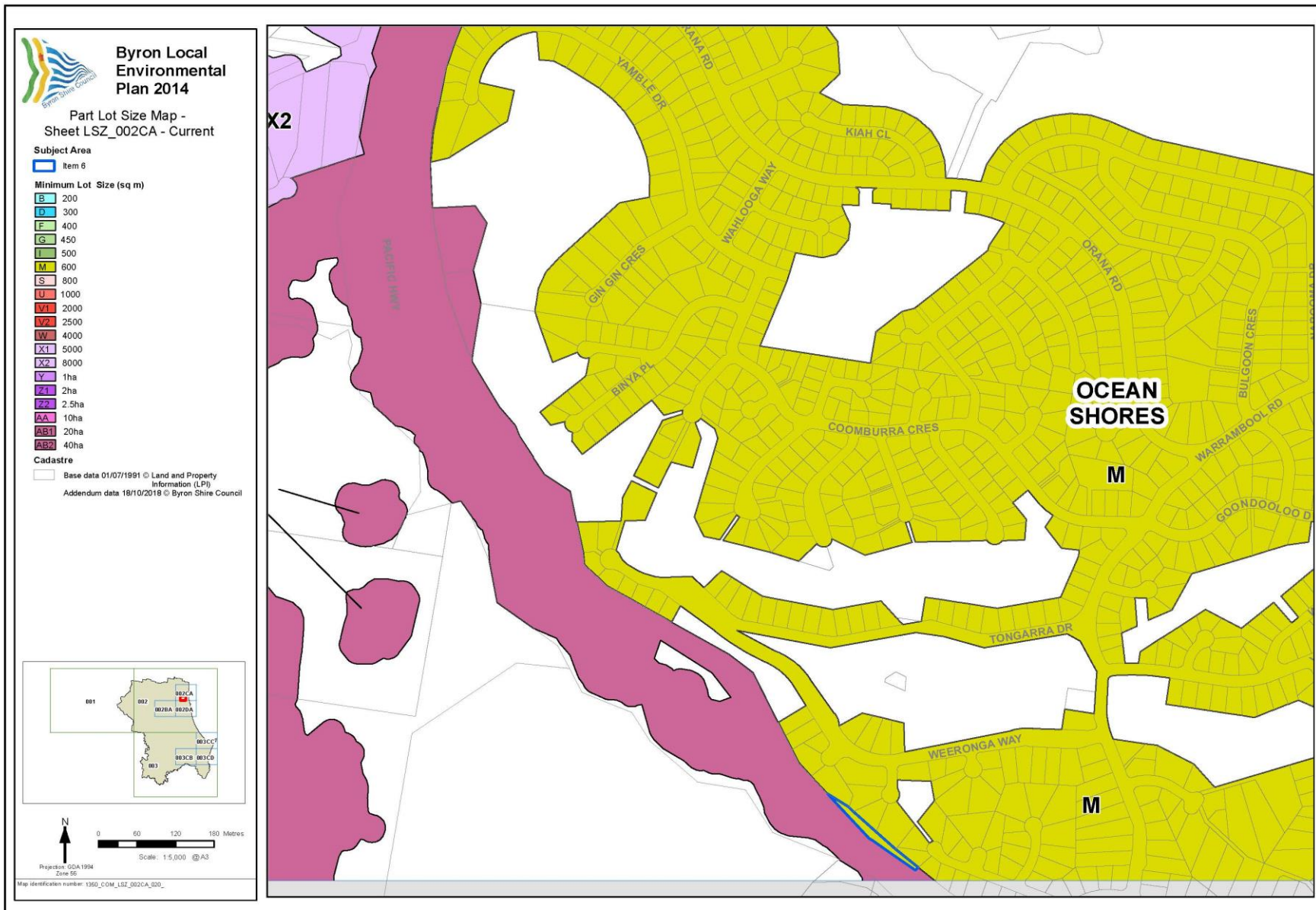
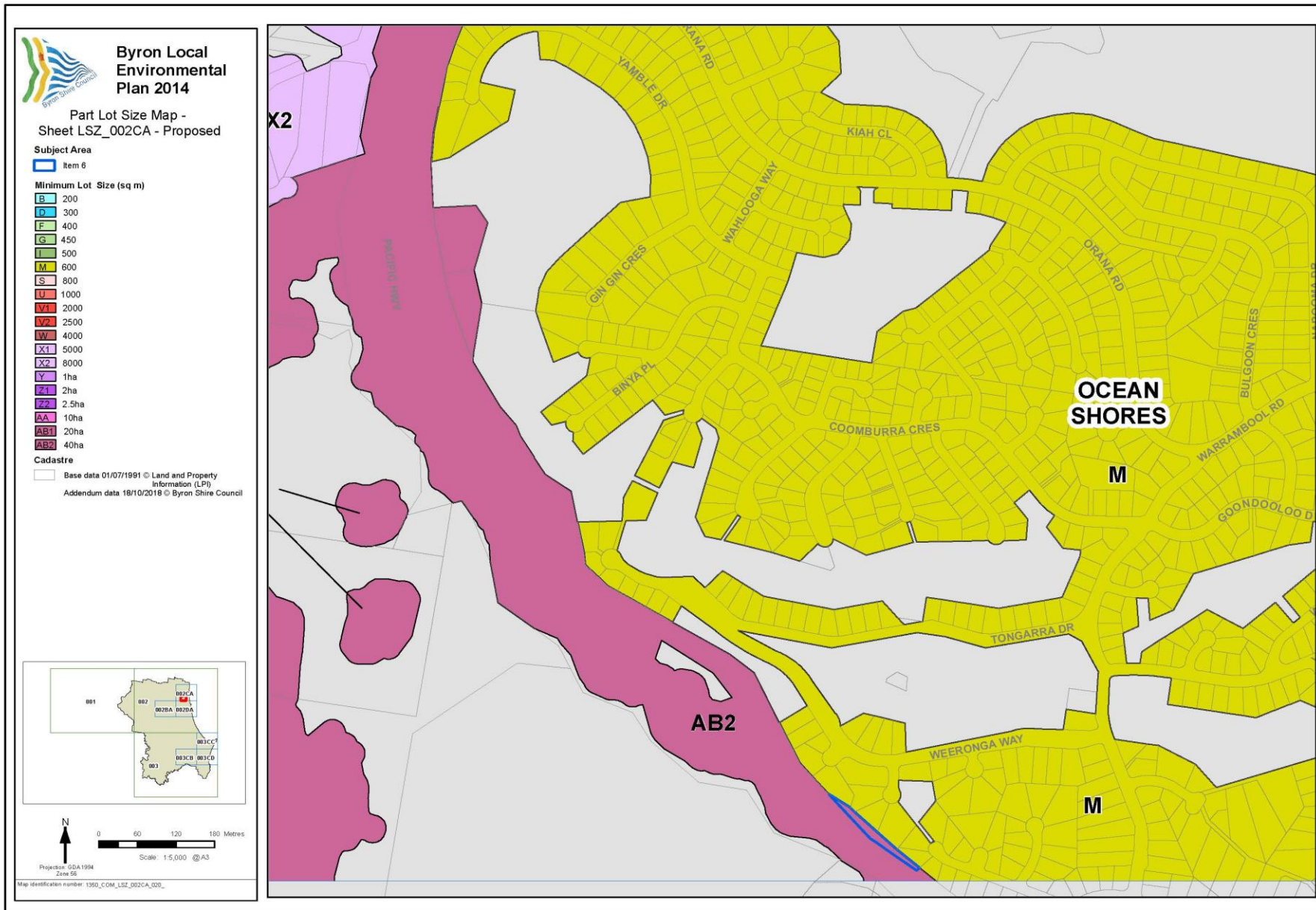


Figure 6.4: Current Minimum Lot Size





**Figure 6.5: Proposed Minimum Lot Size**

Item 7: Amendment to the zoning of the highlighted area to reflect its gazettal into Nightcap National Park (2/12/2016)

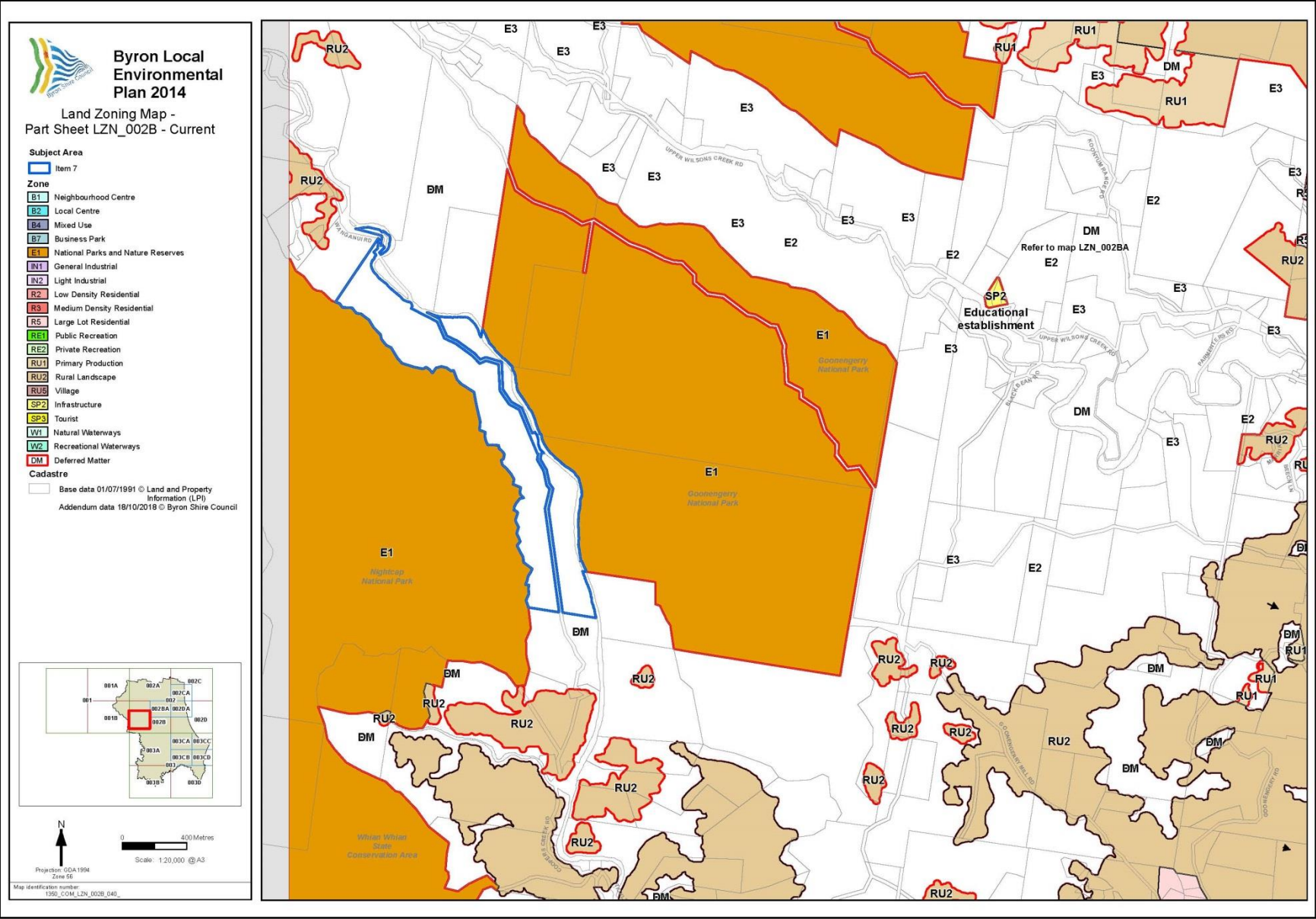
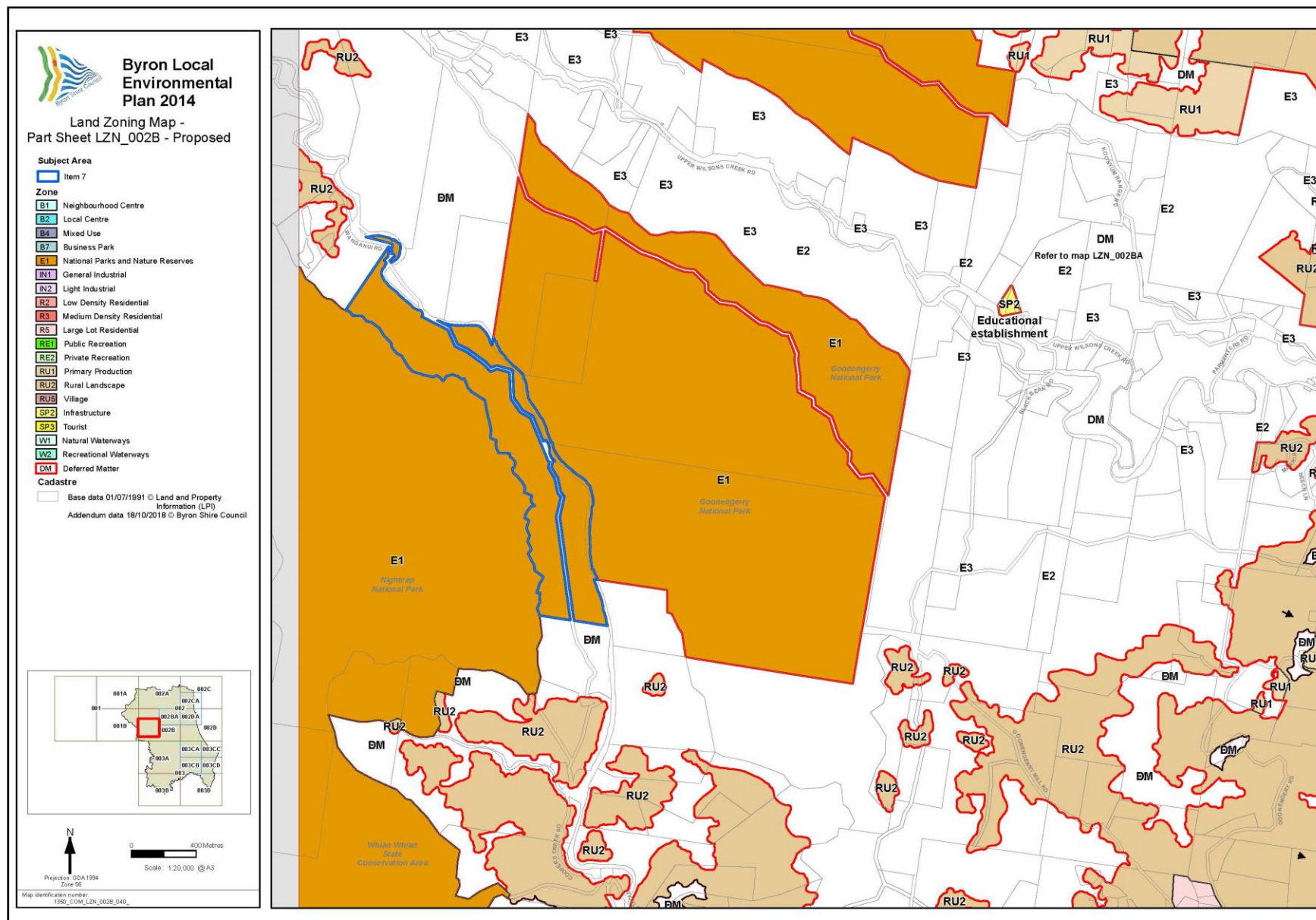


Figure 7.0: Current Zoning





Item 8 and 9: Amendment to heritage mapping to accurately reflect the heritage items and match cadastral boundaries

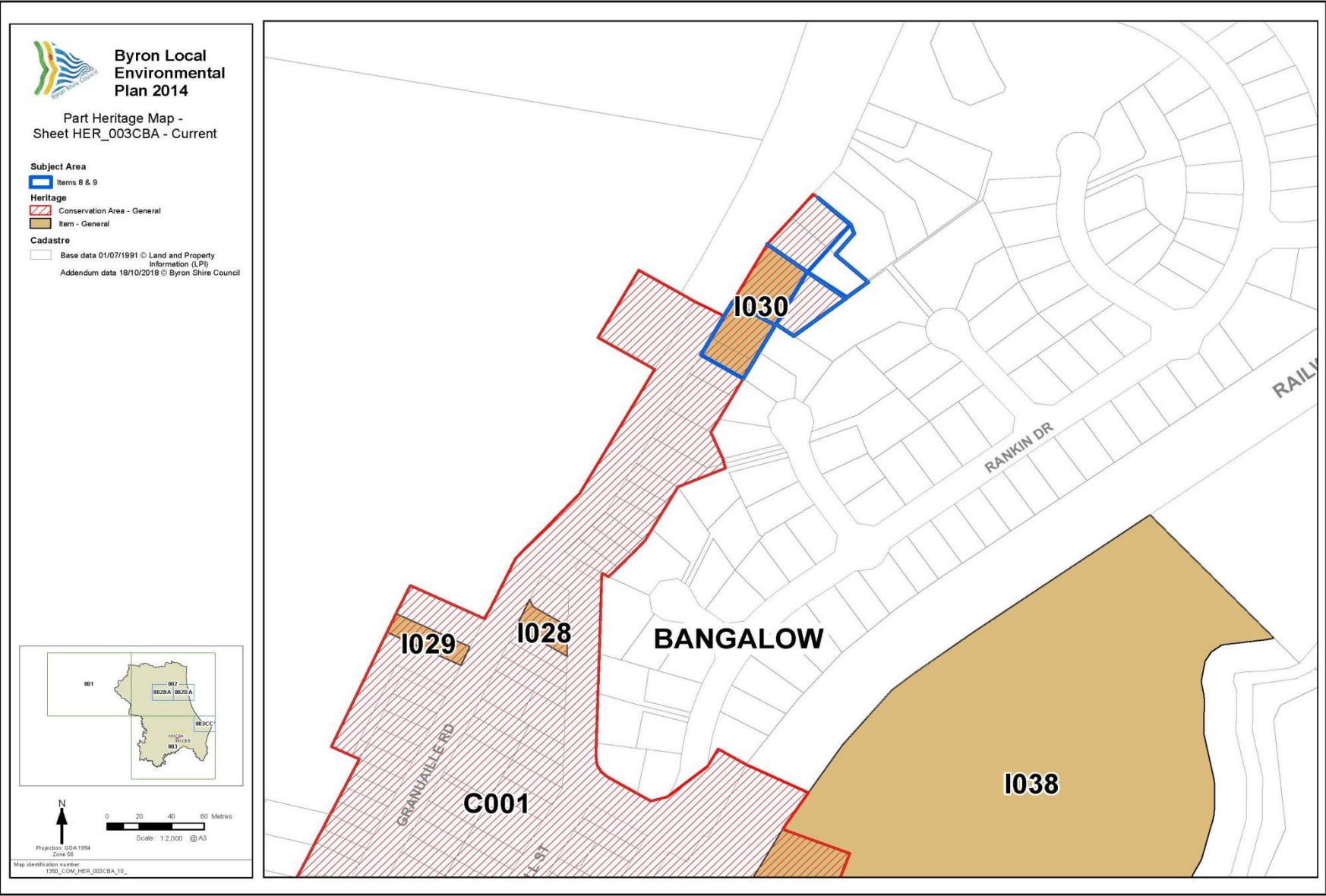


Figure 8.0: Current Heritage Mapping

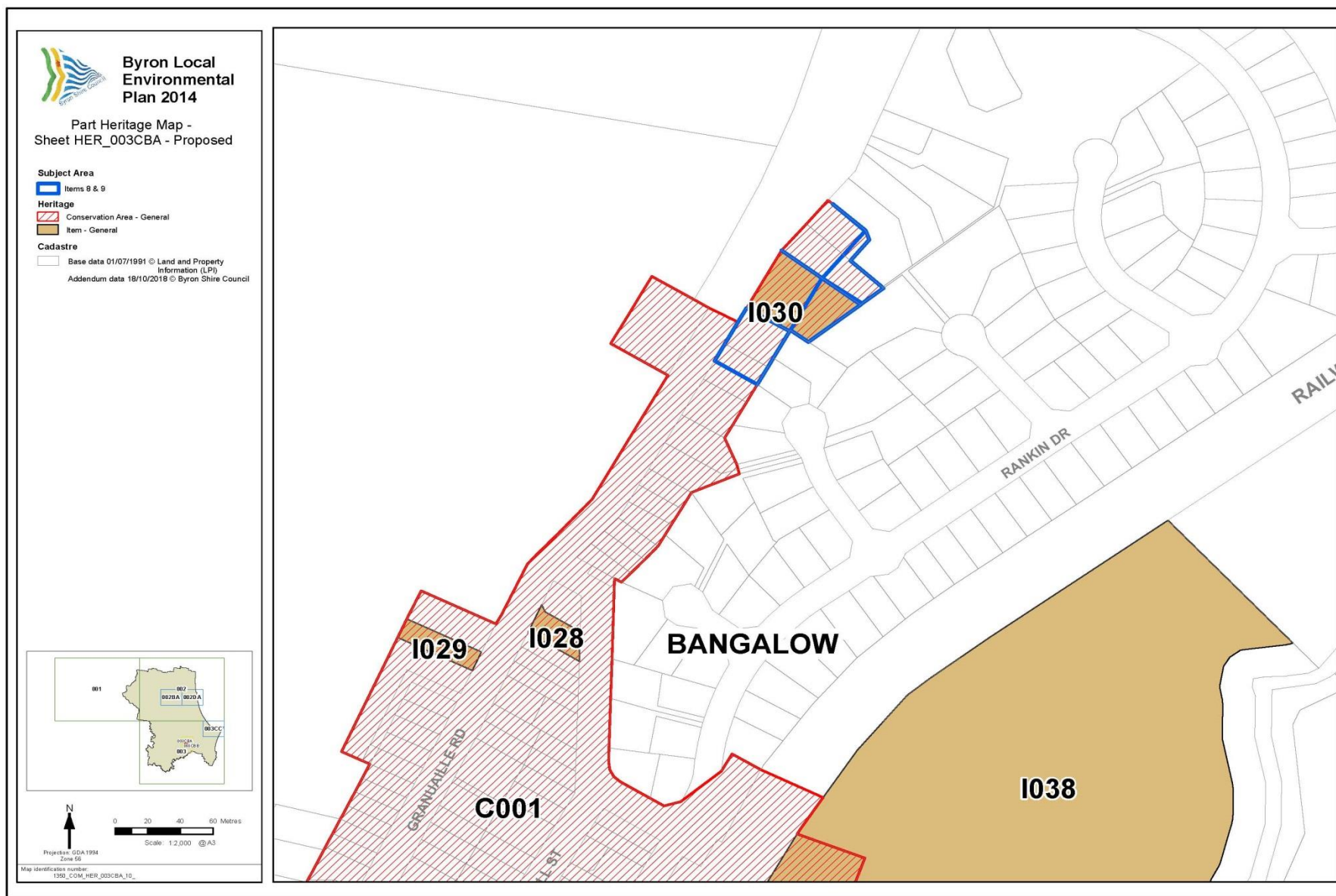


Figure 8.1 Proposed Heritage Mapping



Item 10: Amendments to the zoning, floor space ratio and minimum lot size to align with cadastral boundaries and to change a DM area to RU2

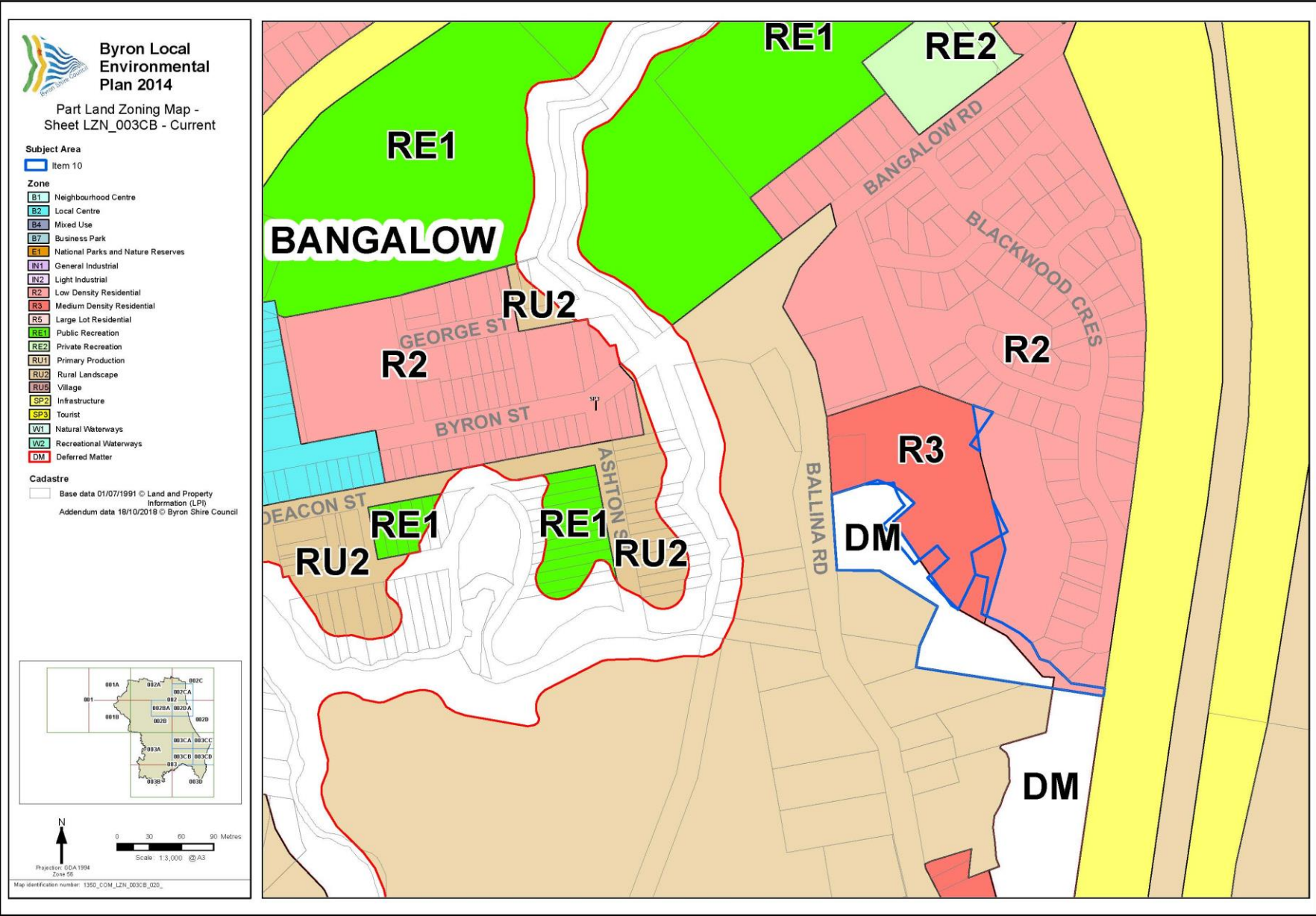


Figure 9.0: Current Zoning



# Byron Local Environmental Plan 2014

Part Land Zoning Map -  
Sheet LZN\_003CB - Proposed

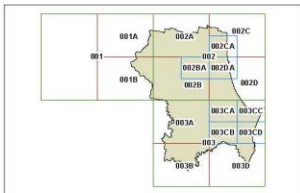
## Subject Area

### Zone

- B1 Neighbourhood Centre
- B2 Local Centre
- B4 Mixed Use
- B7 Business Park
- E1 National Parks and Nature Reserves
- IN1 General Industrial
- IN2 Light Industrial
- R2 Low Density Residential
- R3 Medium Density Residential
- R5 Large Lot Residential
- RE1 Public Recreation
- RE2 Private Recreation
- RU1 Primary Production
- RU2 Rural Landscape
- RU3 Village
- SP2 Infrastructure
- SP3 Tourist
- W1 Natural Waterways
- W2 Recreational Waterways
- DM Deferred Matter

### Cadastre

- Base data 01/07/1991 © Land and Property Information (LPI)
- Addendum data 18/10/2018 © Byron Shire Council



0 30 60 90 Metres  
Scale: 1:3,000 @ A3

Projection: GDA1994  
Zone 56

Map identification number: 1350\_COM\_LZN\_003CB\_020

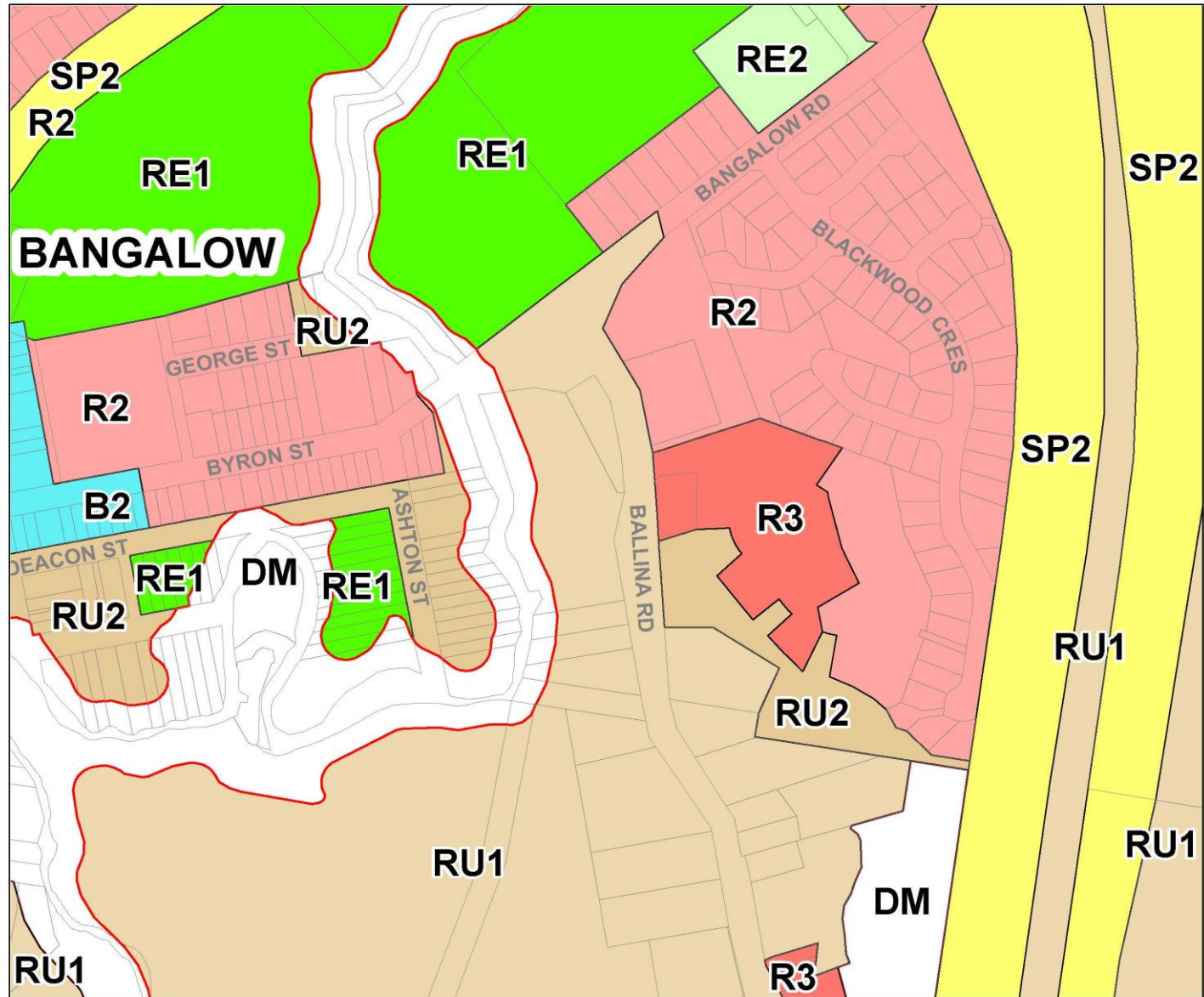


Figure 9.1 Proposed Zoning



# Byron Local Environmental Plan 2014

## Floor Space Ratio Map - Part Sheet FSR\_003CB - Current

### Subject Area

Item 10

### Maximum Floor Space Ratio (n:1)

A1 0.2

A2 0.3

B 0.4

D 0.5

F 0.6

L 0.75

S 0.8

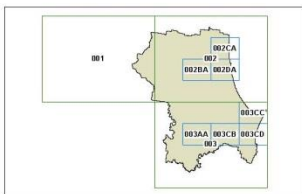
Y 0.9

N 1

O 1.3

### Cadastral

Base data 01/07/1991 © Land and Property Information (LPI)  
Addendum data 20/02/2017 © Byron Shire Council



N

0 25 50 75 Metres

Projection GDA1994  
Zone 56

Map identification number: 1350\_COM\_FSR\_003CB\_020

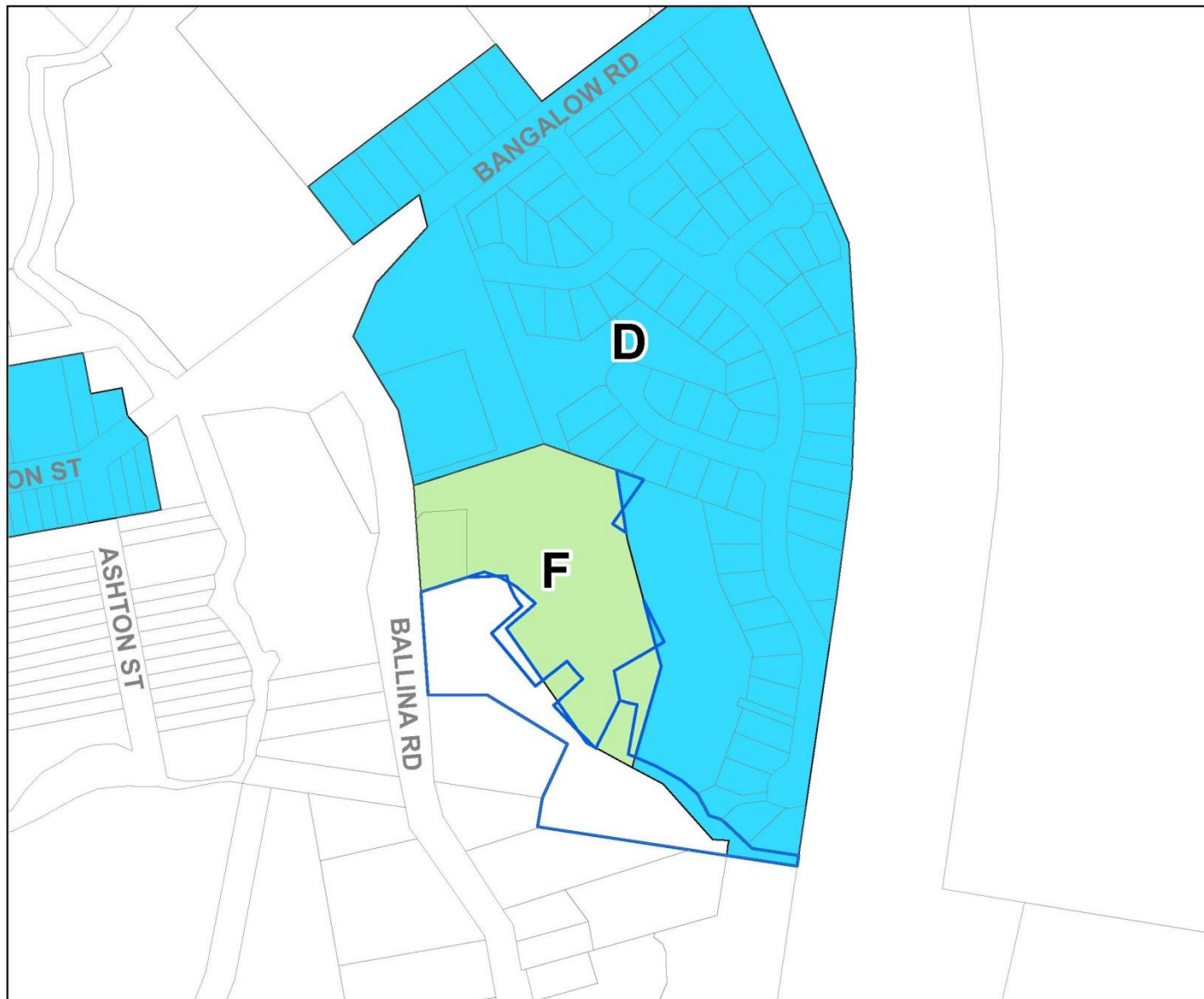
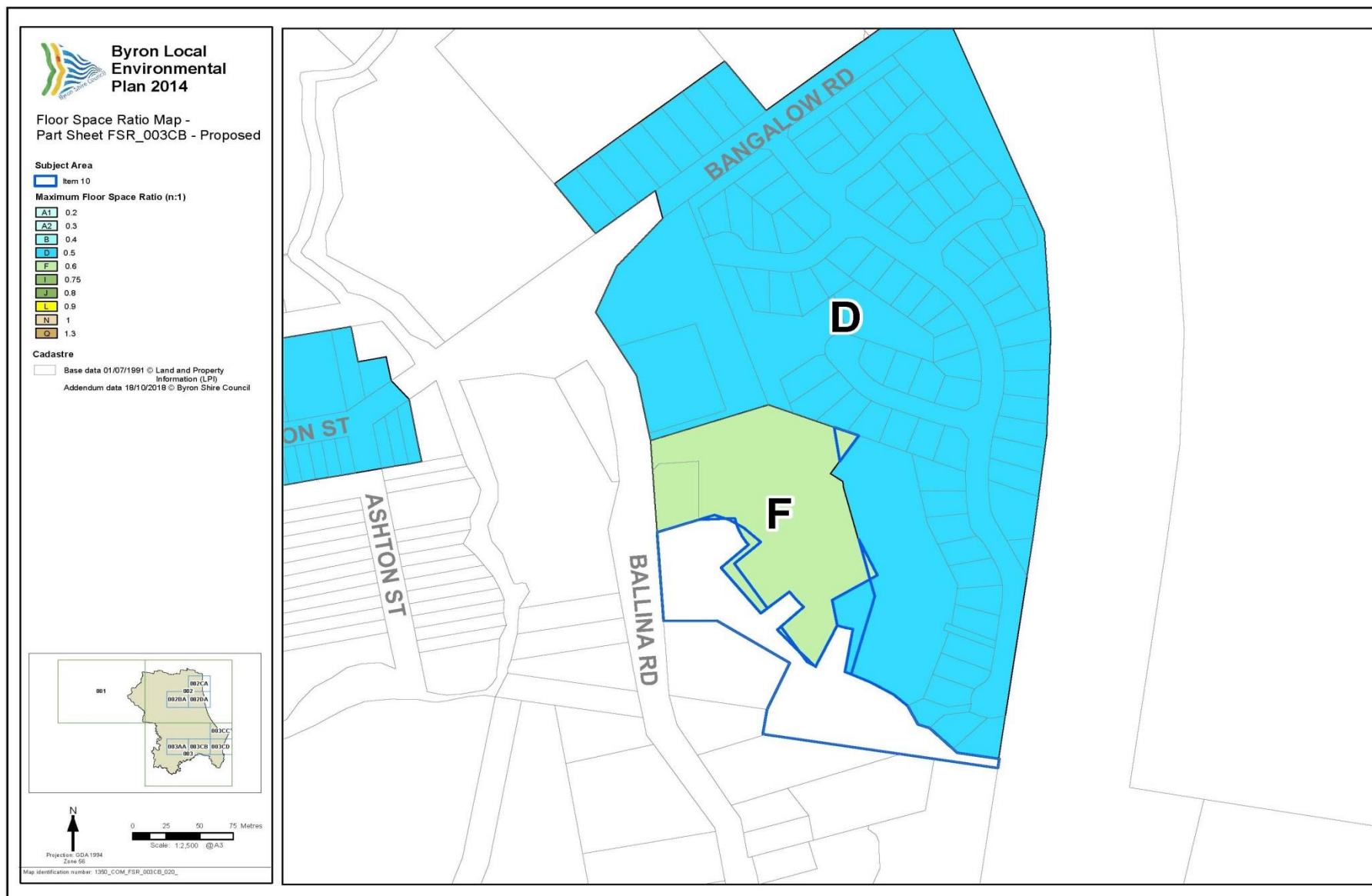
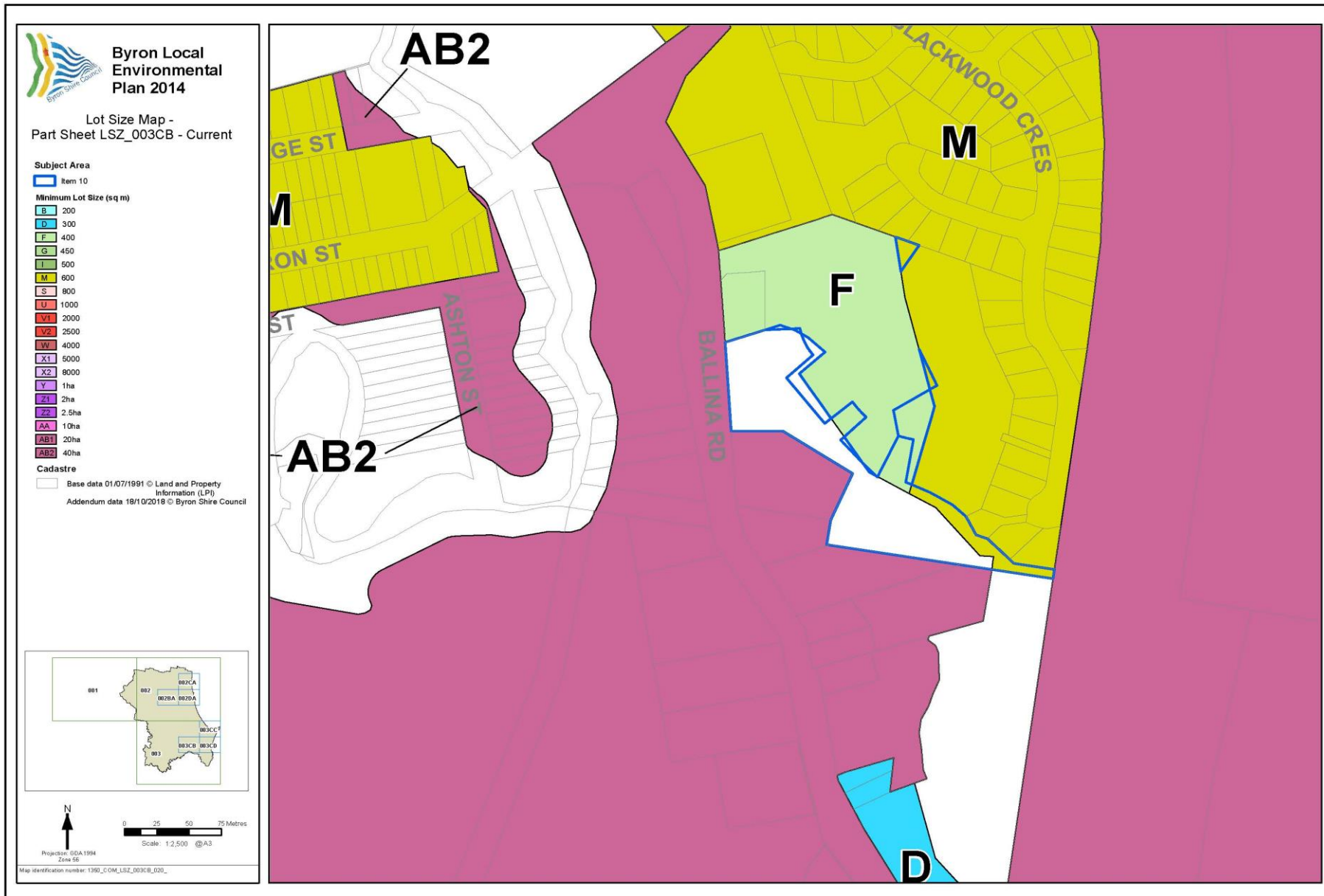


Figure 9.2: Current Floor Space Ratio



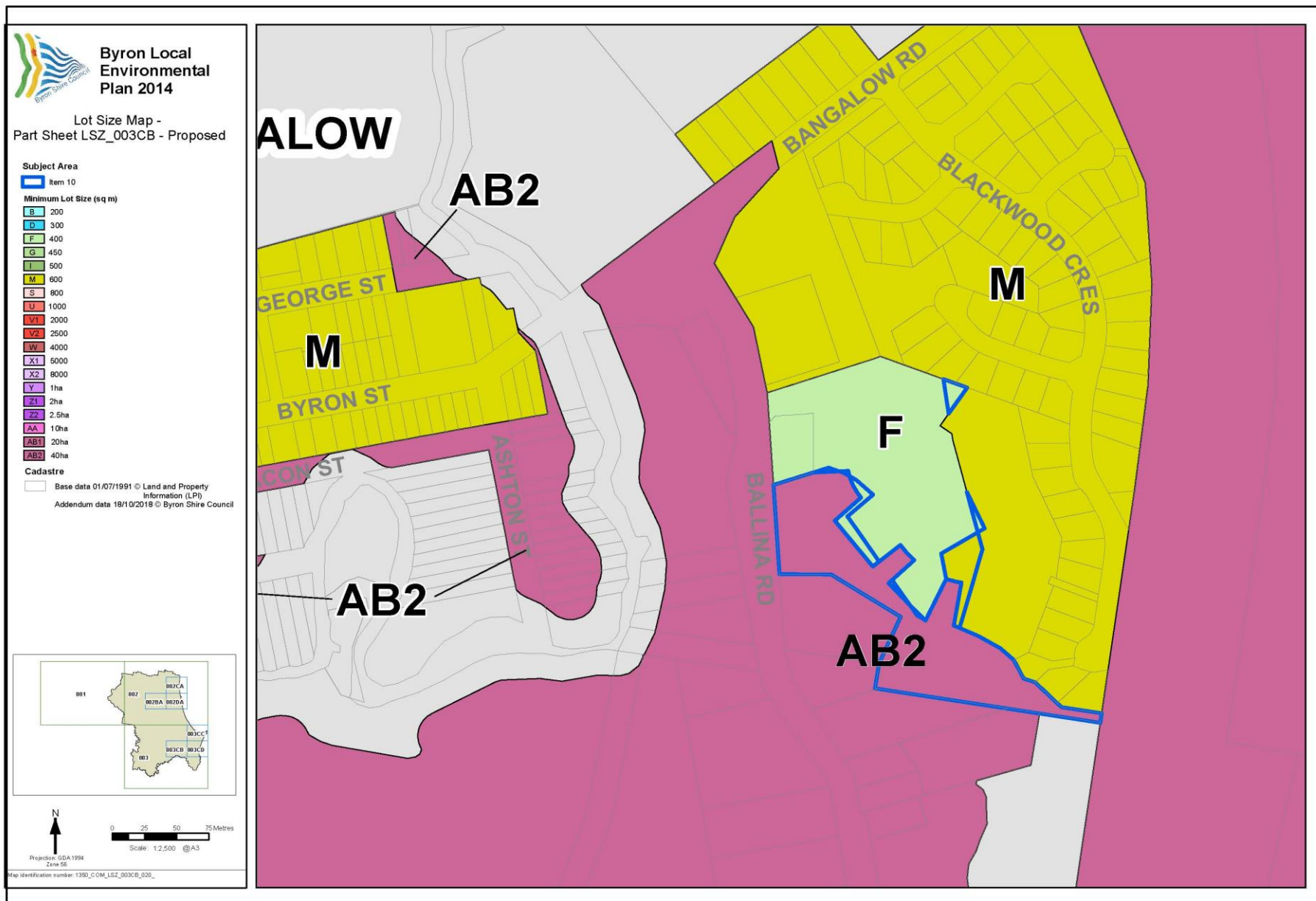


**Figure 9.3: Proposed Floor Space Ratio**



**Figure 9.4: Current Lot Size Map**





**Figure 9.5: Proposed Lot Size Map**



Item 11: Amendment to remove heritage mapping from parcels resulting from recent subdivision

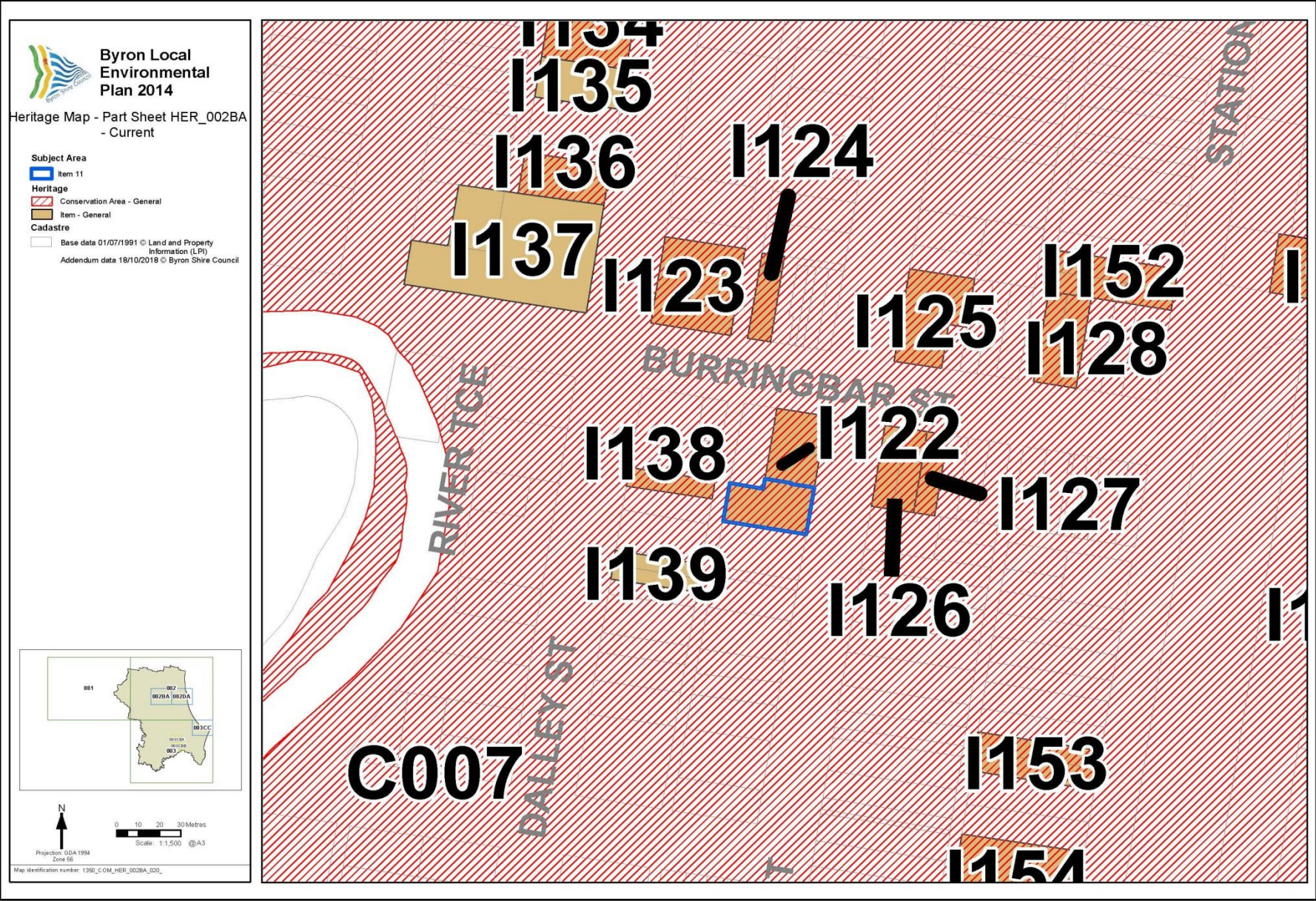


Figure 10.0: Current Heritage Mapping



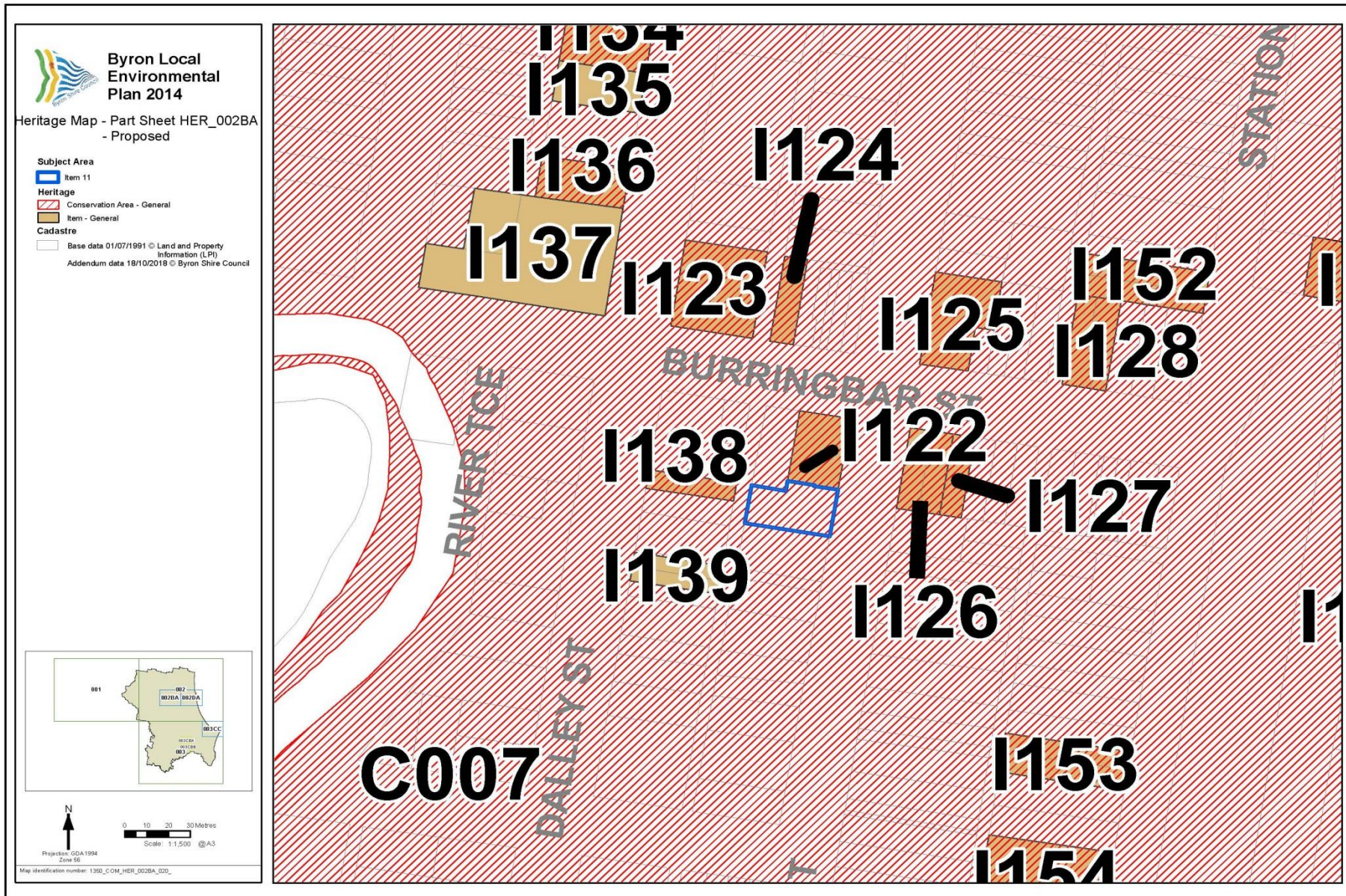


Figure 10.1: Proposed Heritage Mapping



Item 12: Amendment to include areas that have been incorrectly left out of the acid sulfate soils mapping

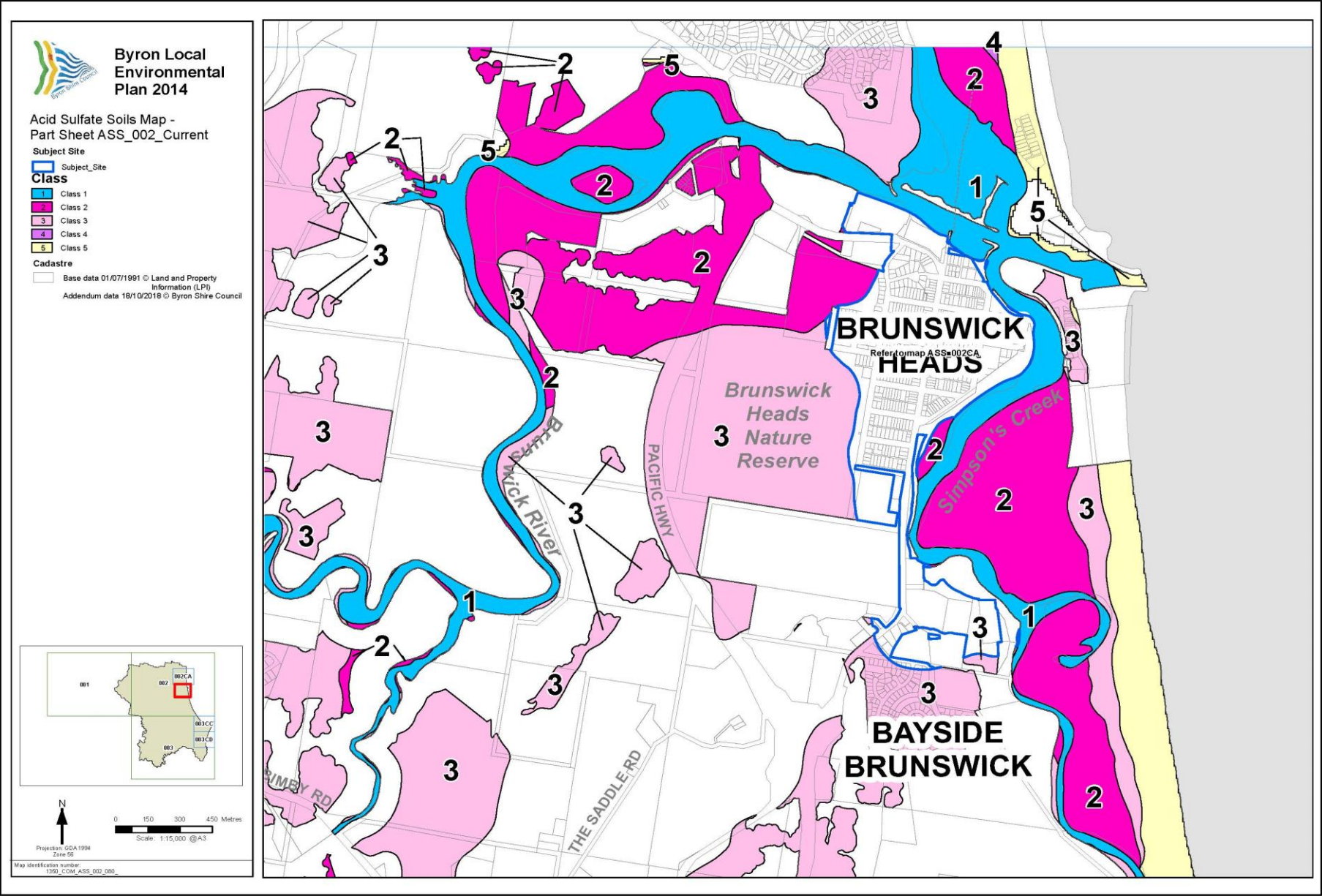


Figure 11.0: Current Acid Sulfate Soils Mapping

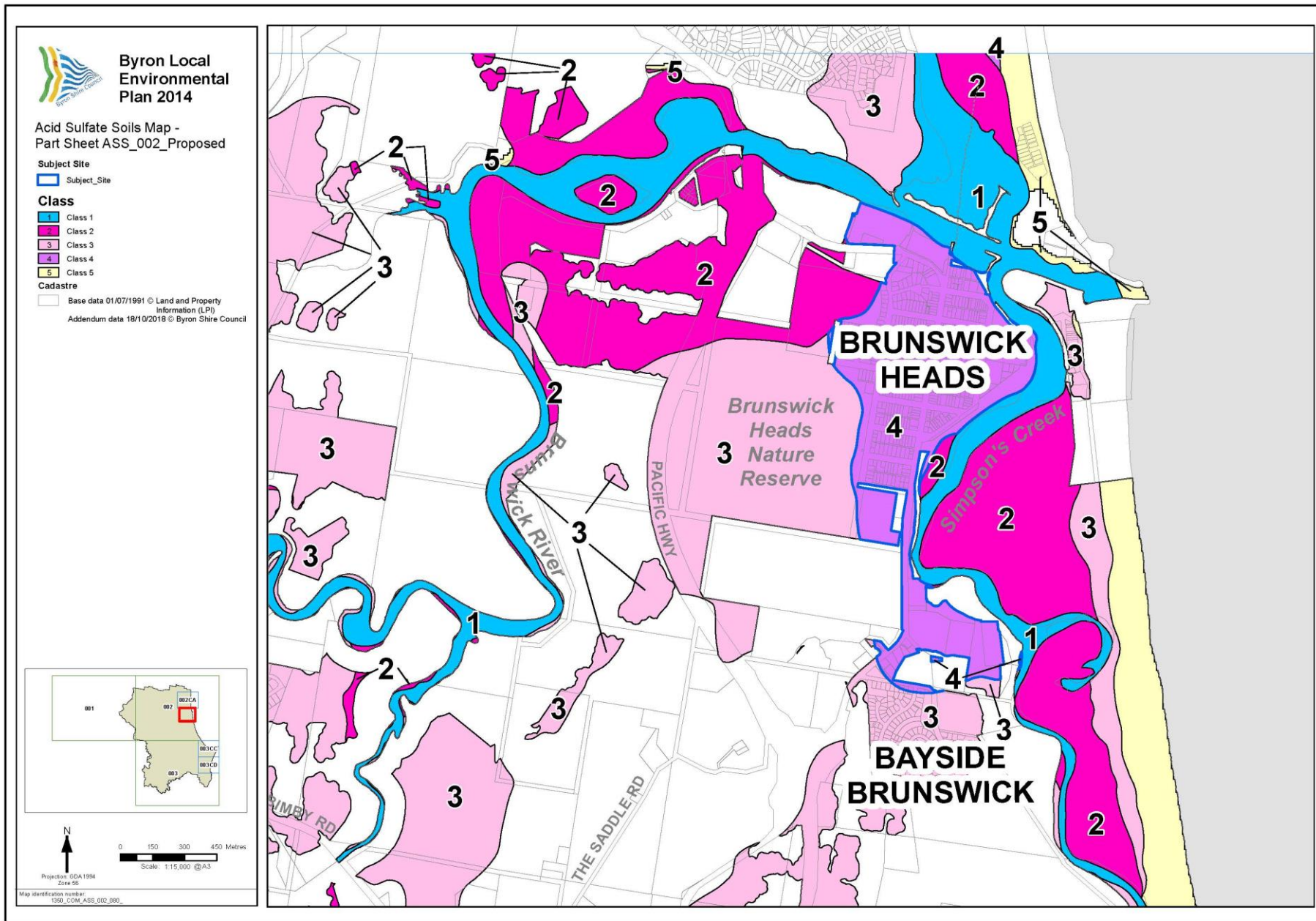
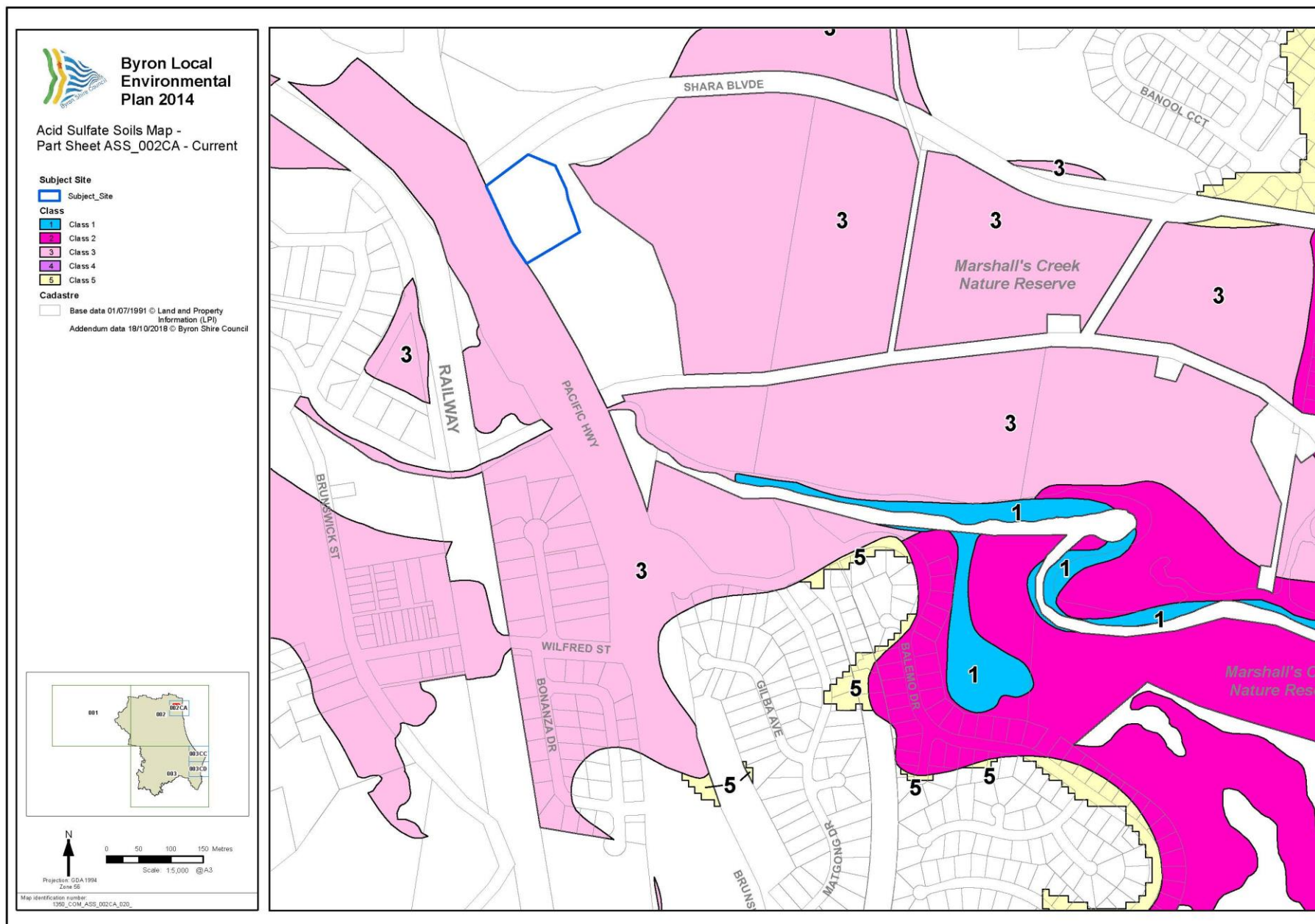
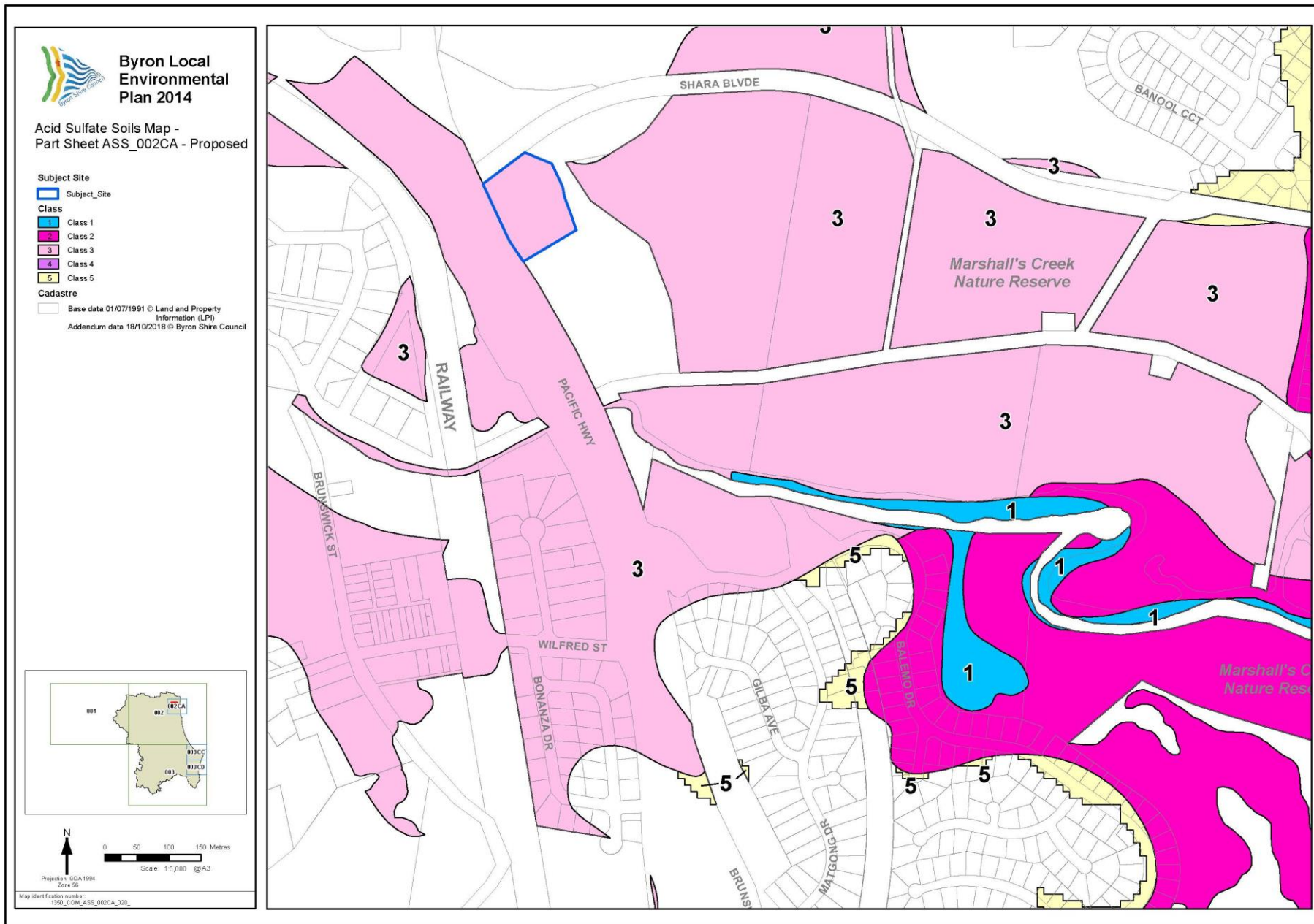


Figure 11.1: Proposed Acid Sulfate Soils Mapping





### Figure 11.2: Current Acid Sulfate Soils Mapping

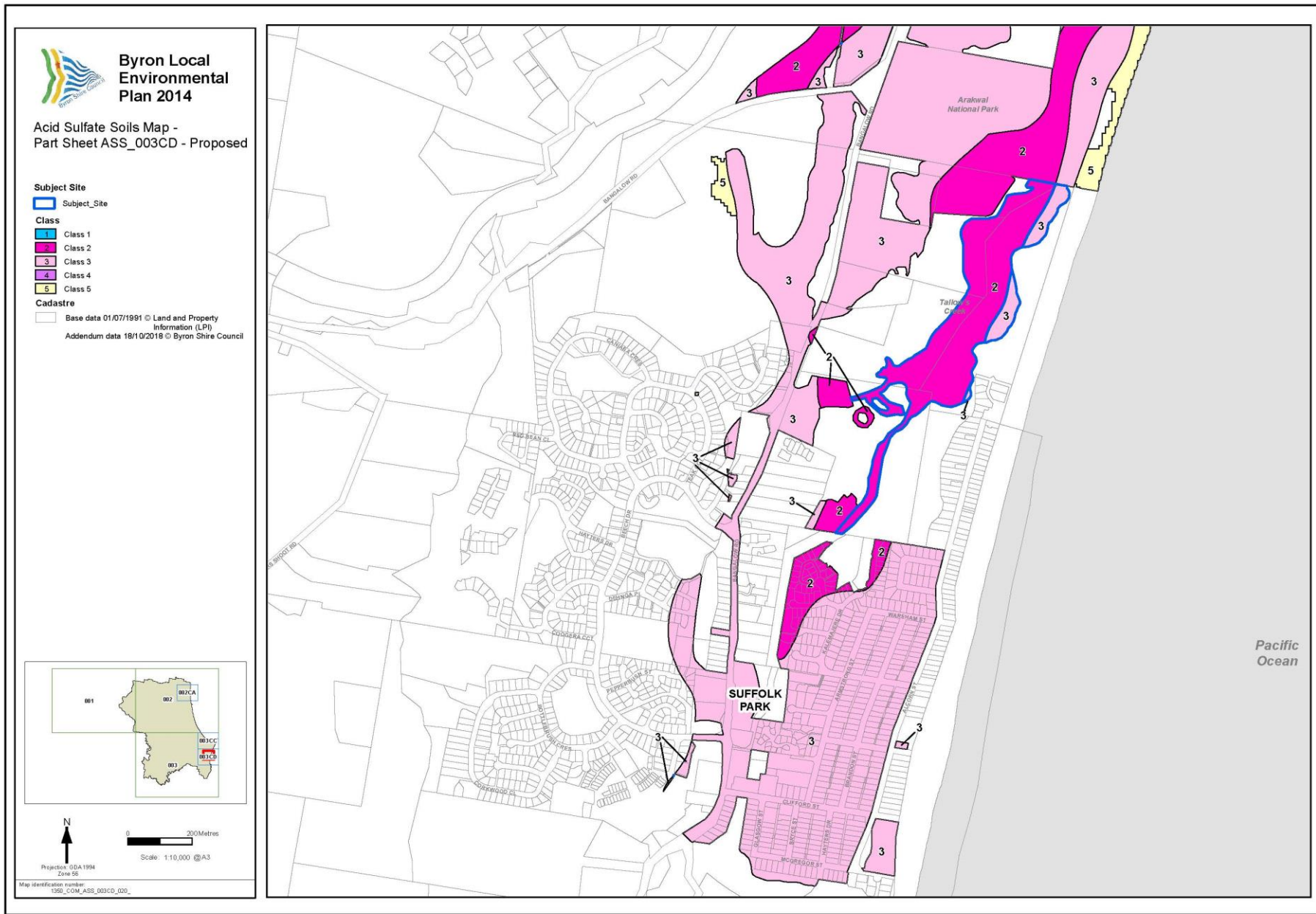


**Figure 11.3: Proposed Acid Sulfate Soils Mapping**









**Figure 11.5: Proposed Acid Sulfate Soils Mapping**

Item 15: Amendment to heritage mapping to align with cadastral boundaries to include the heritage item and the boundary adjustment

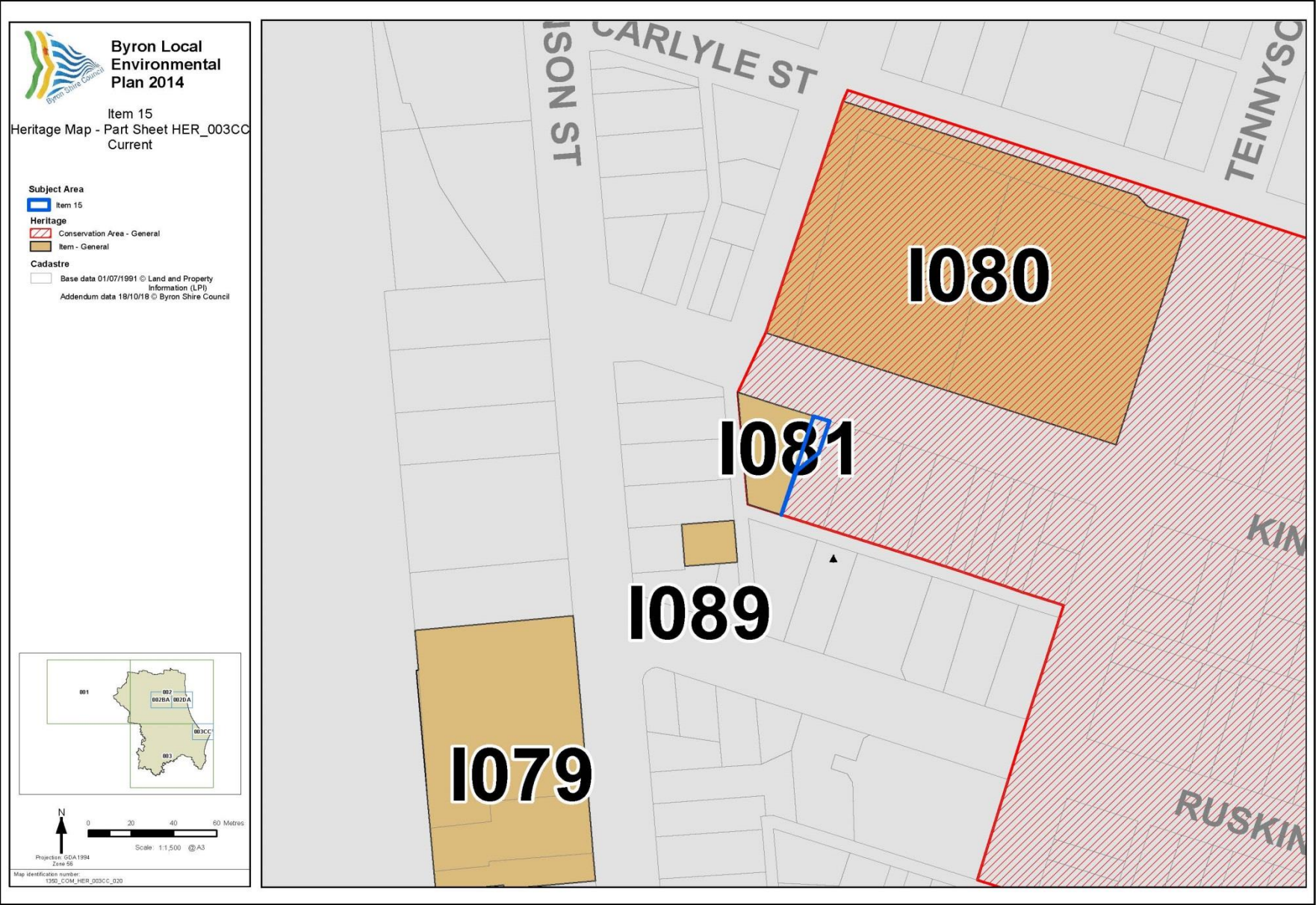


Figure 12.0: Current Heritage Mapping



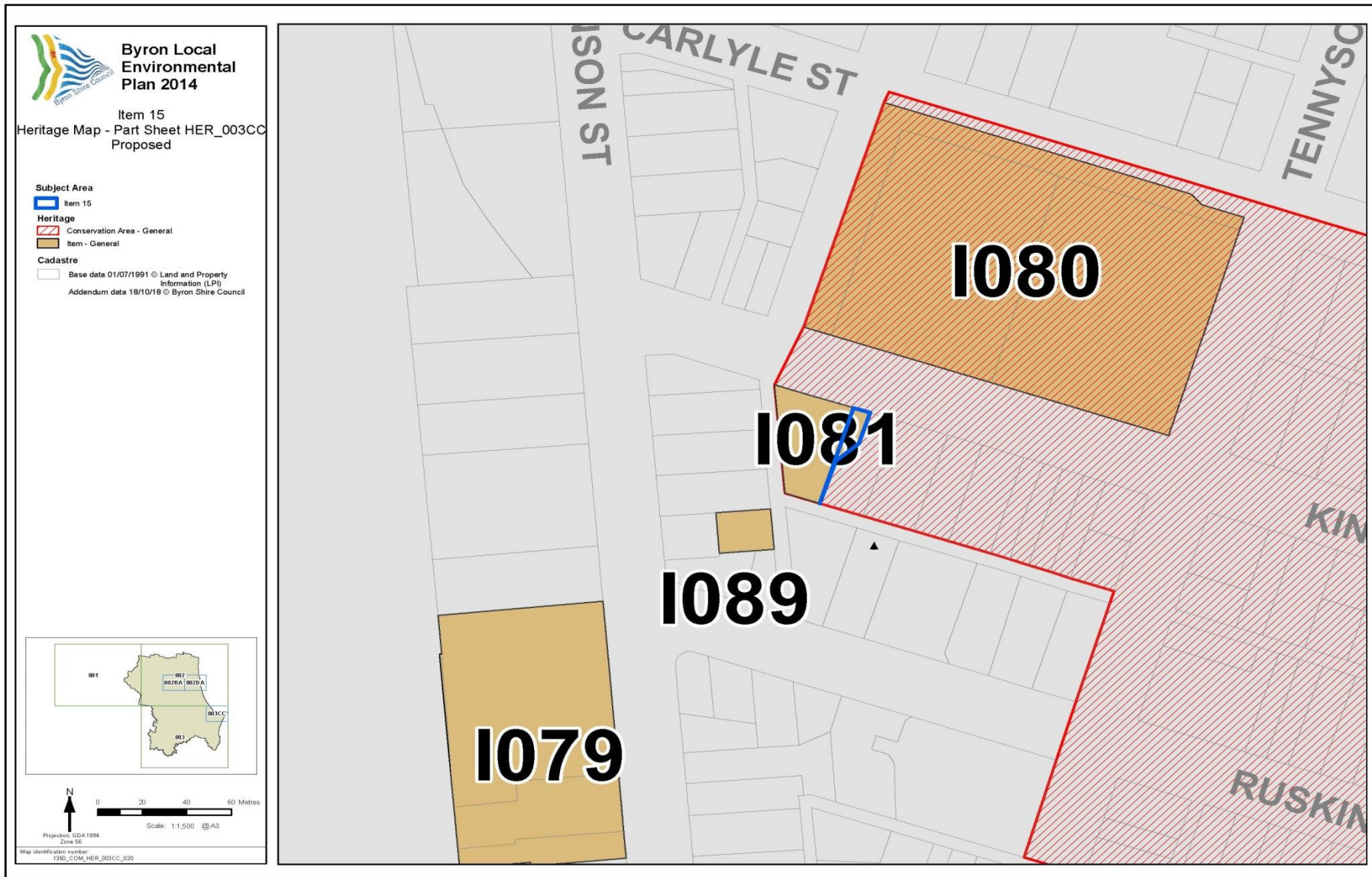


Figure 12.1: Proposed Heritage Mapping

Item 16: Amendment to heritage mapping on an area with no heritage value and to reflect cadastral boundaries from a recent subdivision

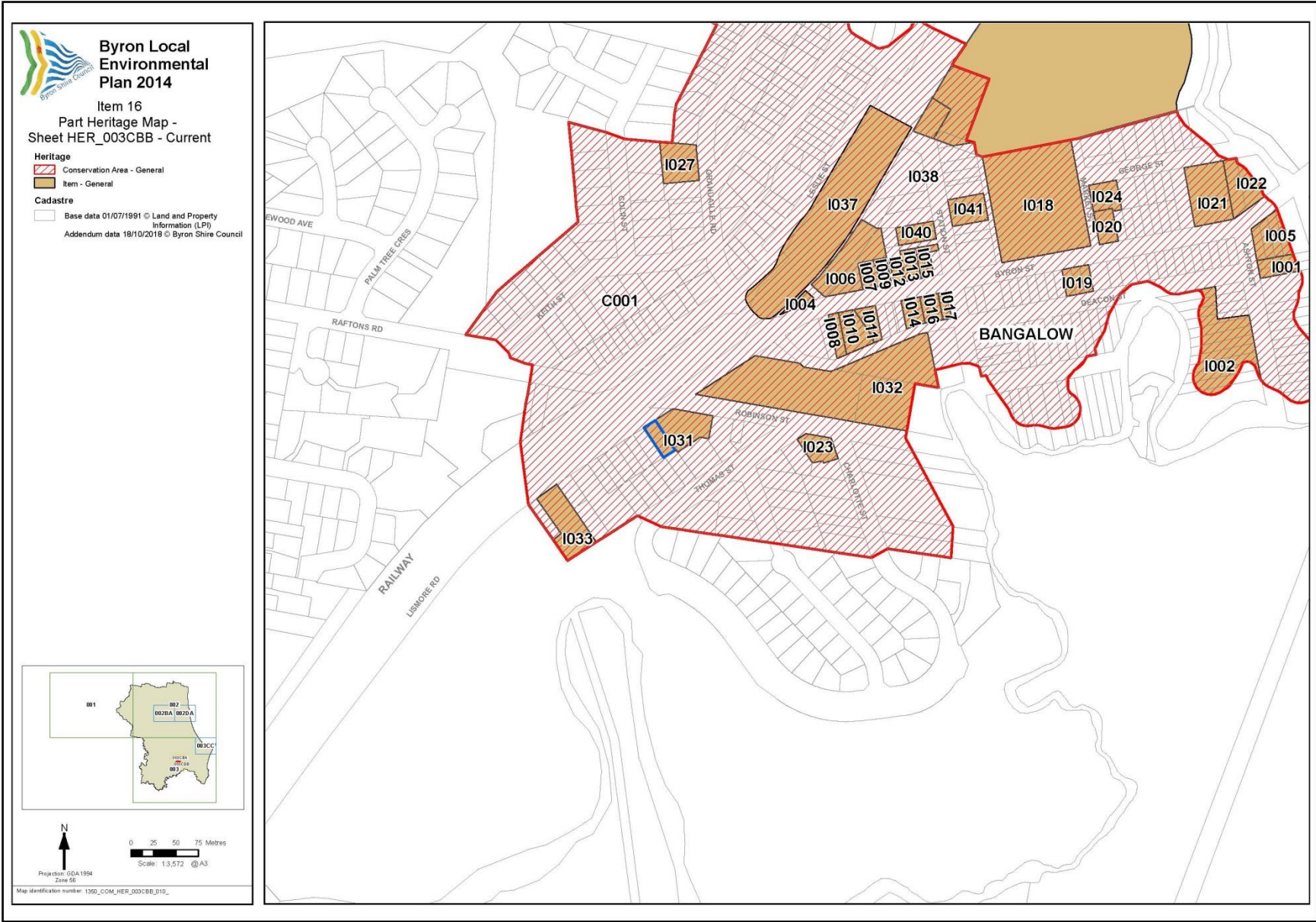
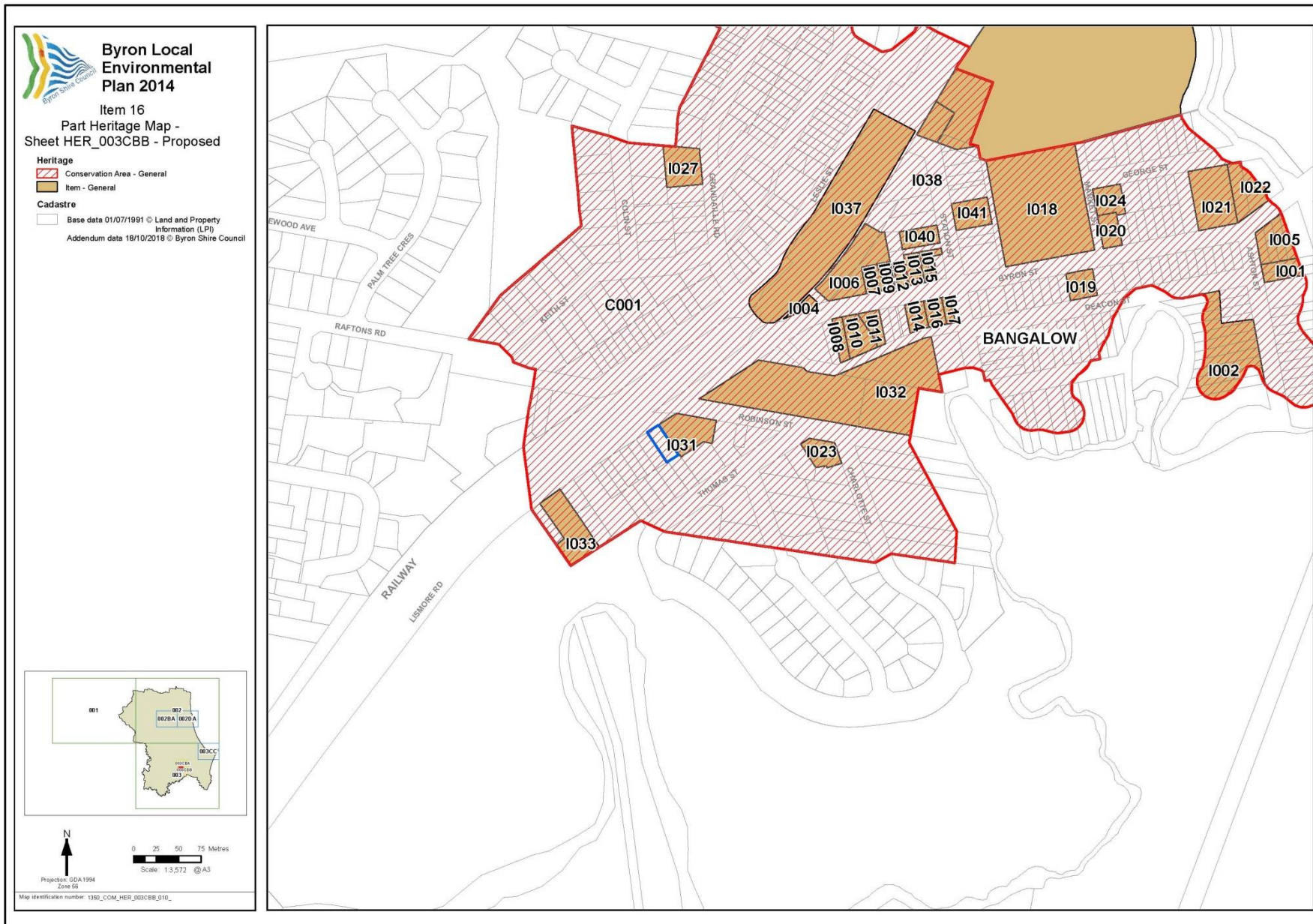


Figure 13.0 Current Heritage Mapping





**Figure 13.1 Proposed Heritage Mapping**

Item 17: Amendment to zoning to reflect gazettal into Mt Jerusalem National Park (5/12/14)

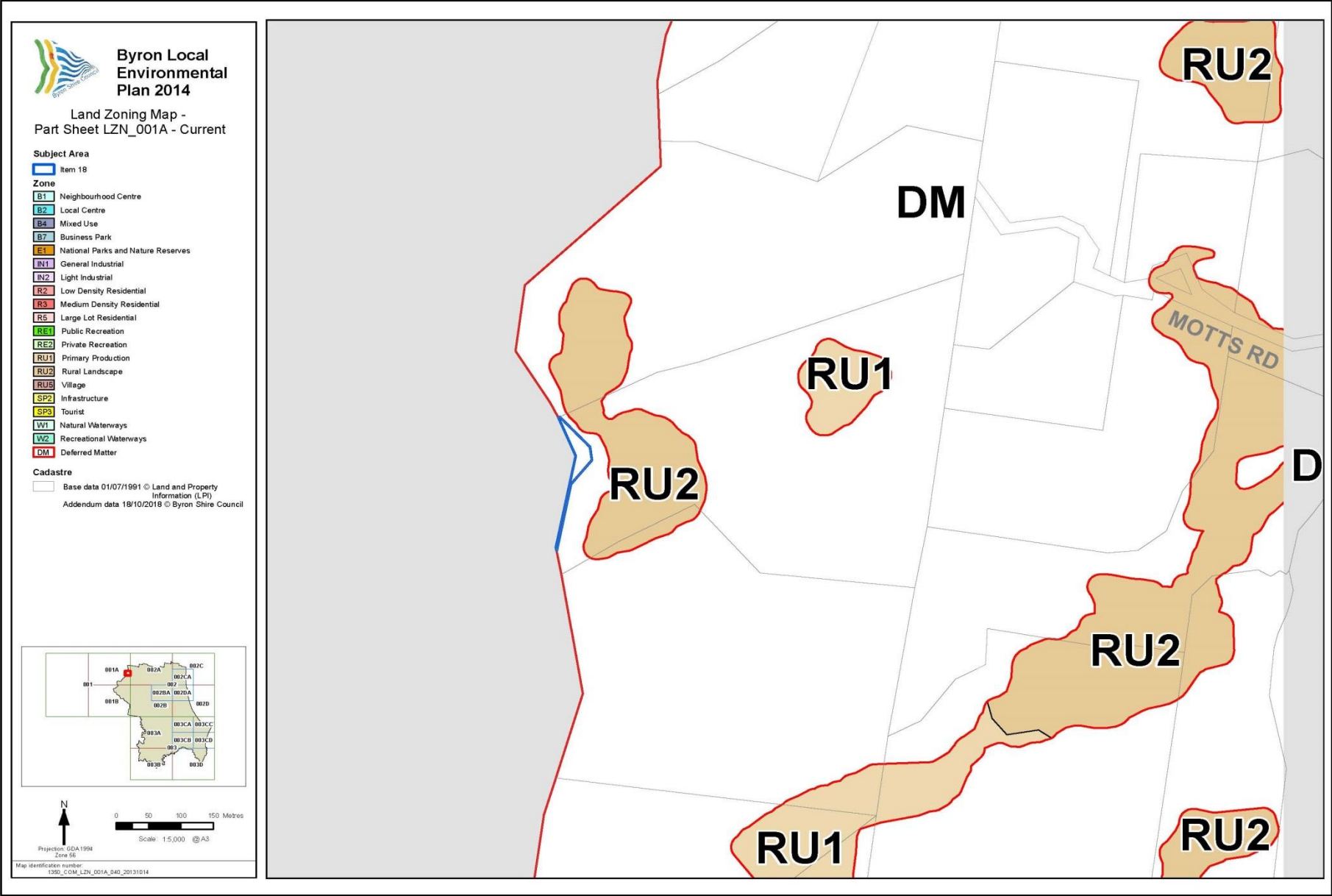


Figure 14.0: Current Zoning



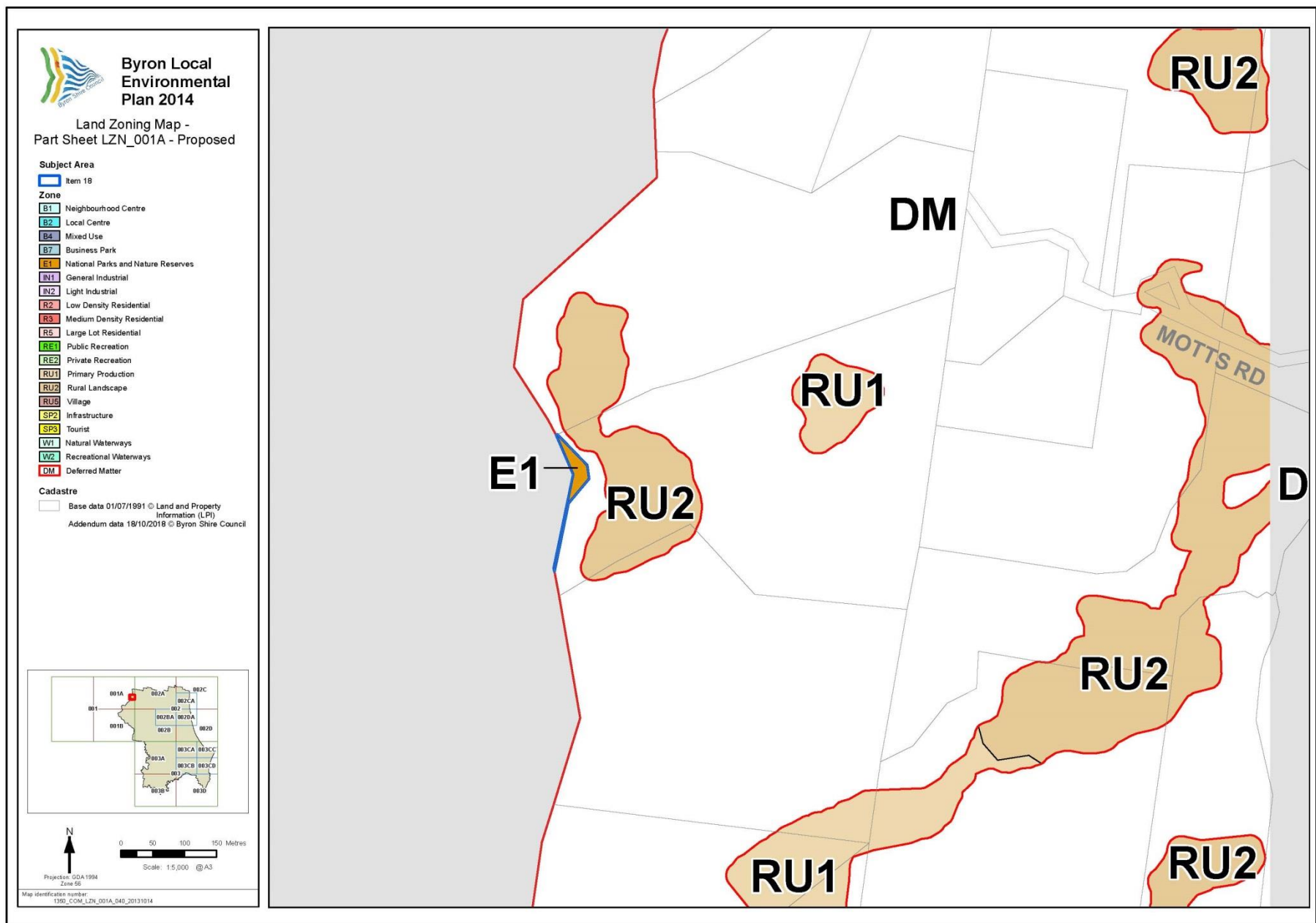
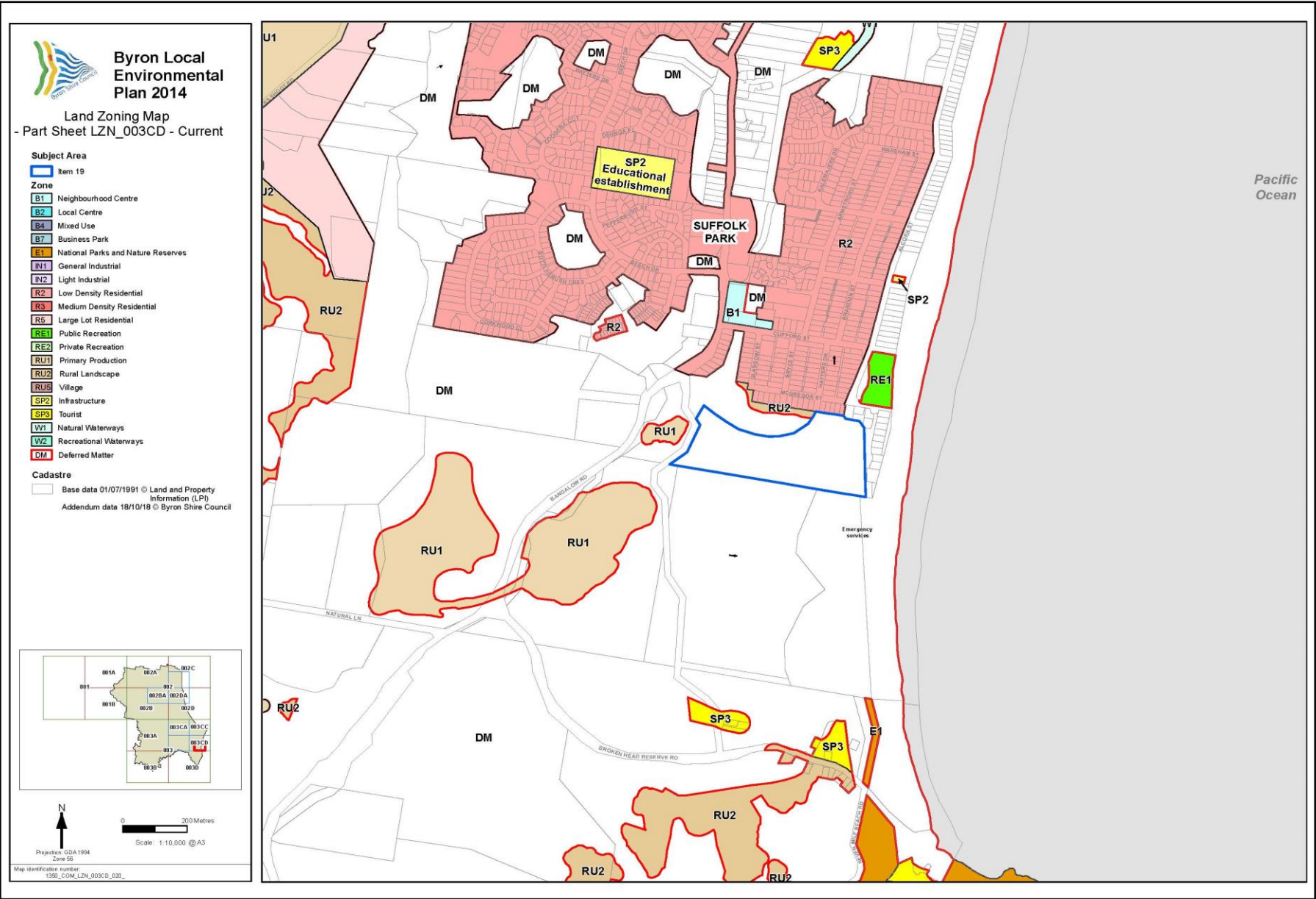
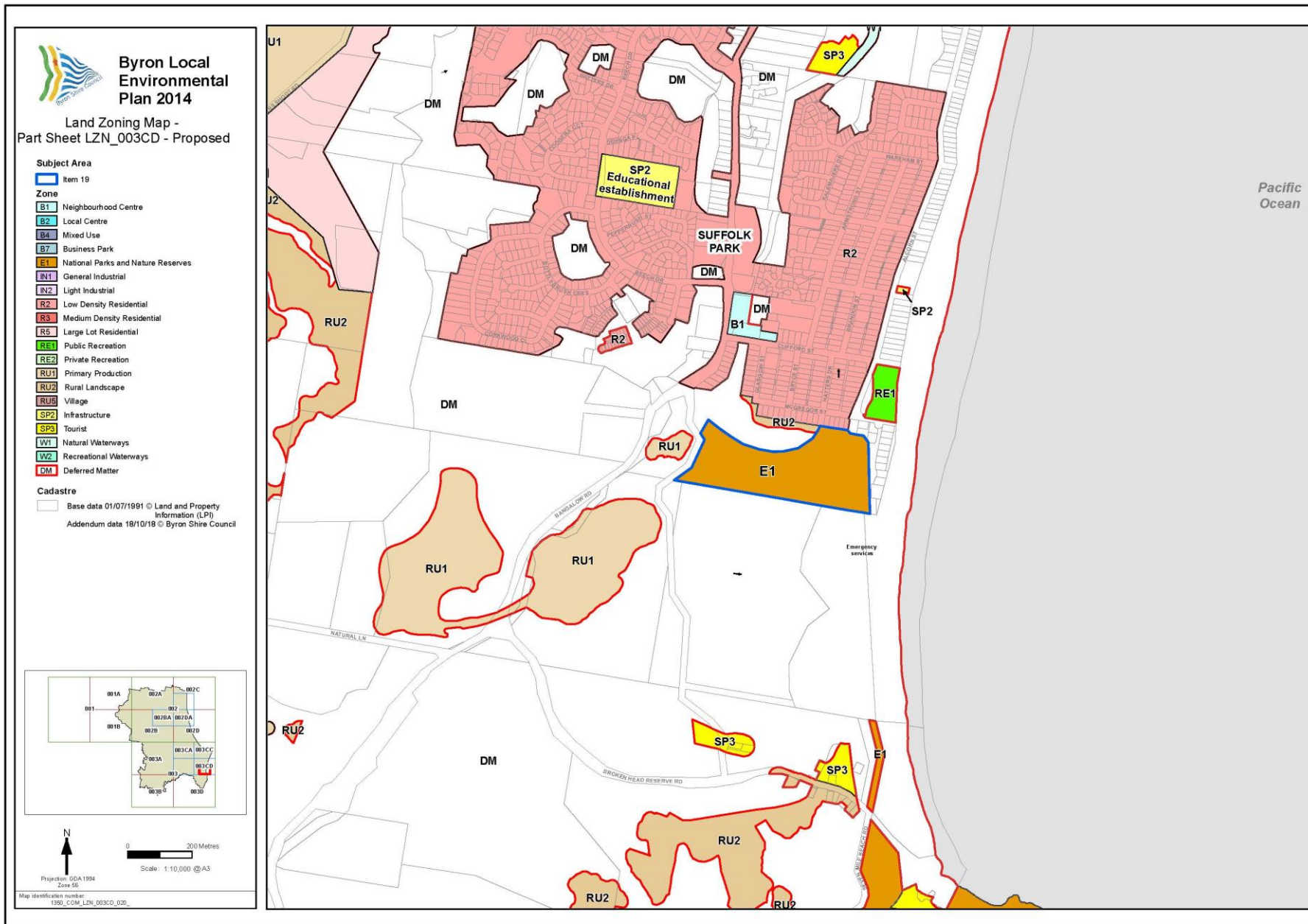


Figure 14.1: Proposed Zoning

Item 18: Amendment to zoning to reflect gazettal of Ti-Tree Lake Aboriginal Area (9/7/2010)

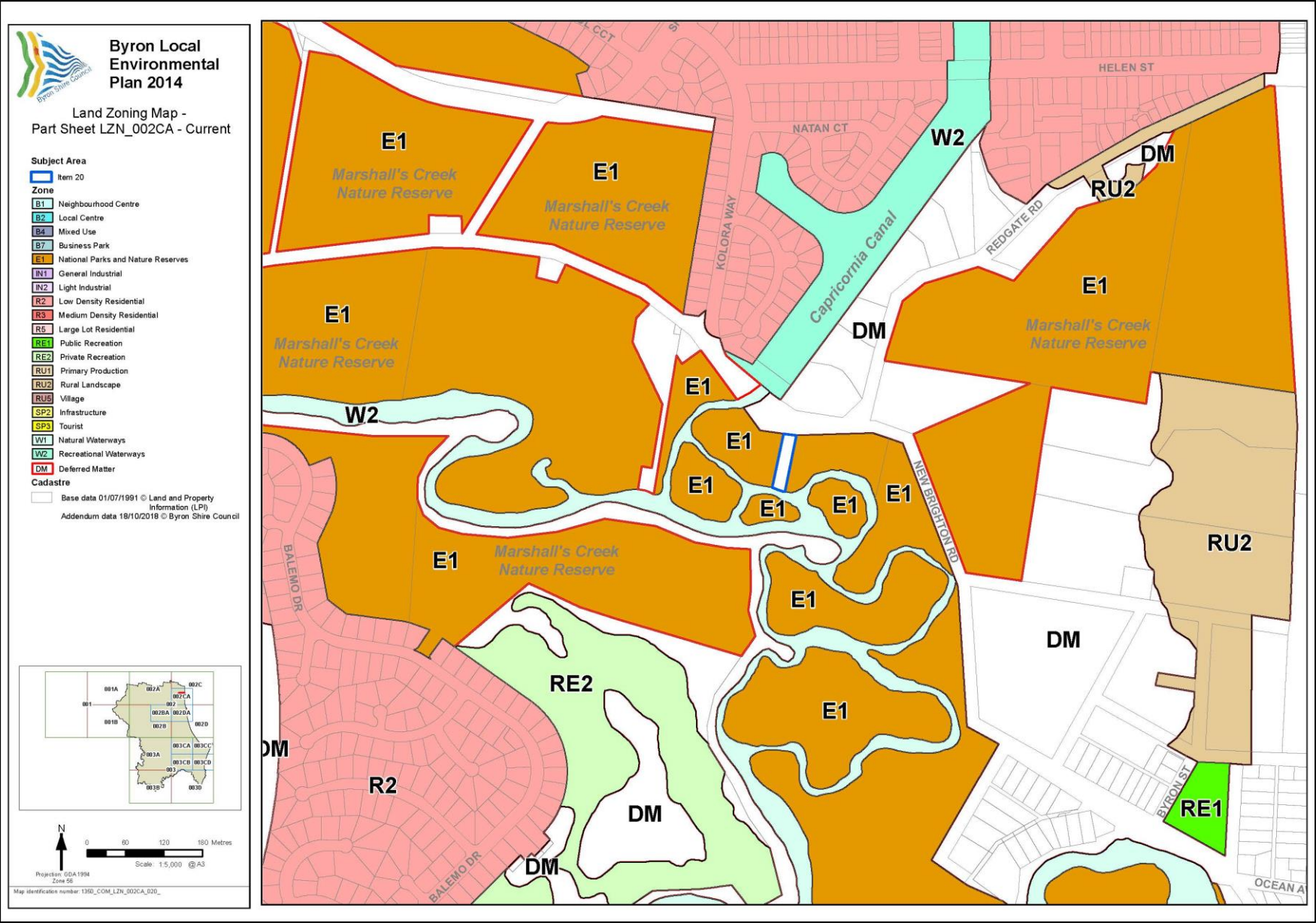




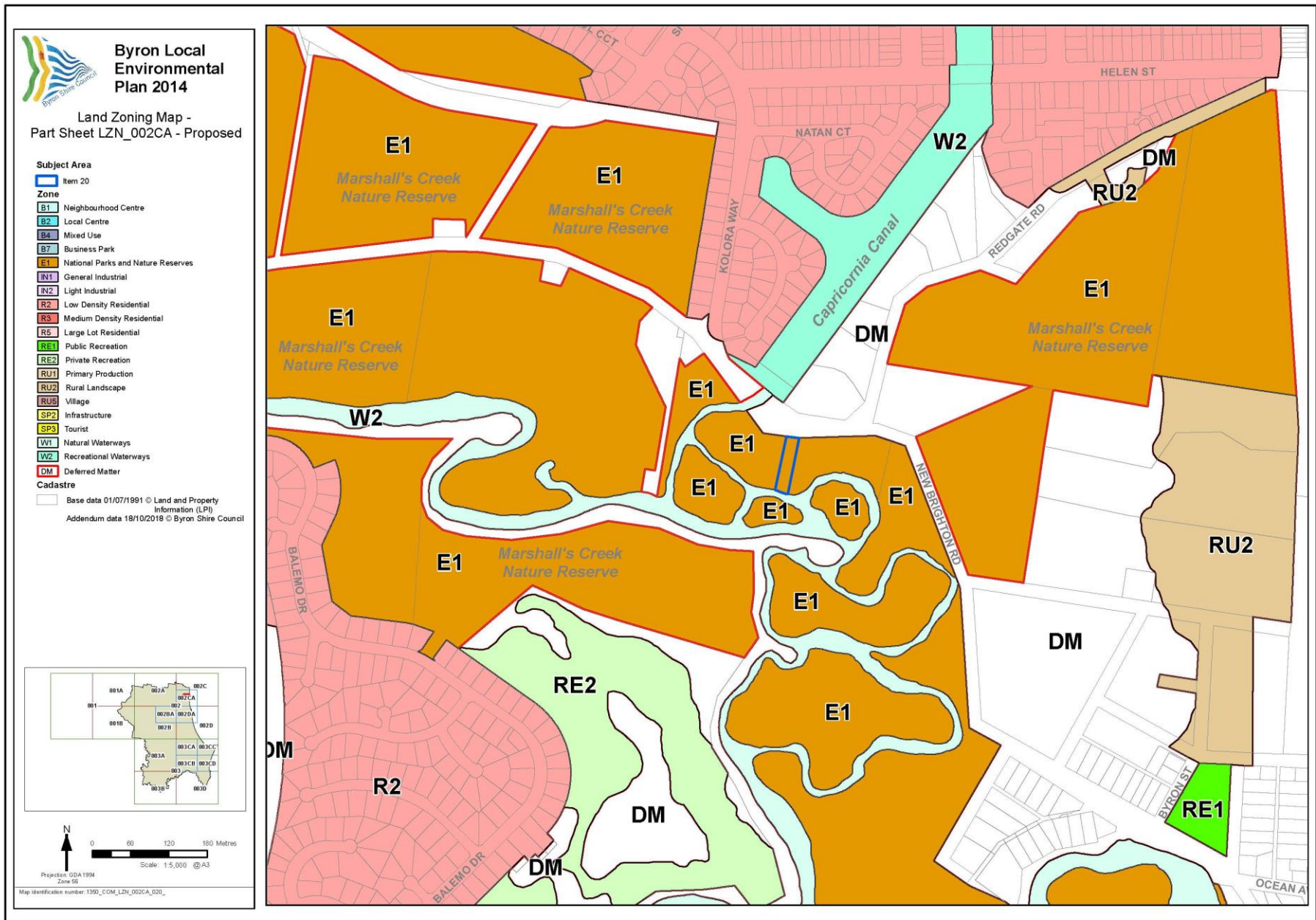
**Figure 15.1: Proposed Zoning**



Item 19: Amendment to zoning to reflect gazettal of Marshalls Creek Nature Reserve (5/3/99)







Item 20: Amendment to reflect the heritage area aligning with cadastral boundaries

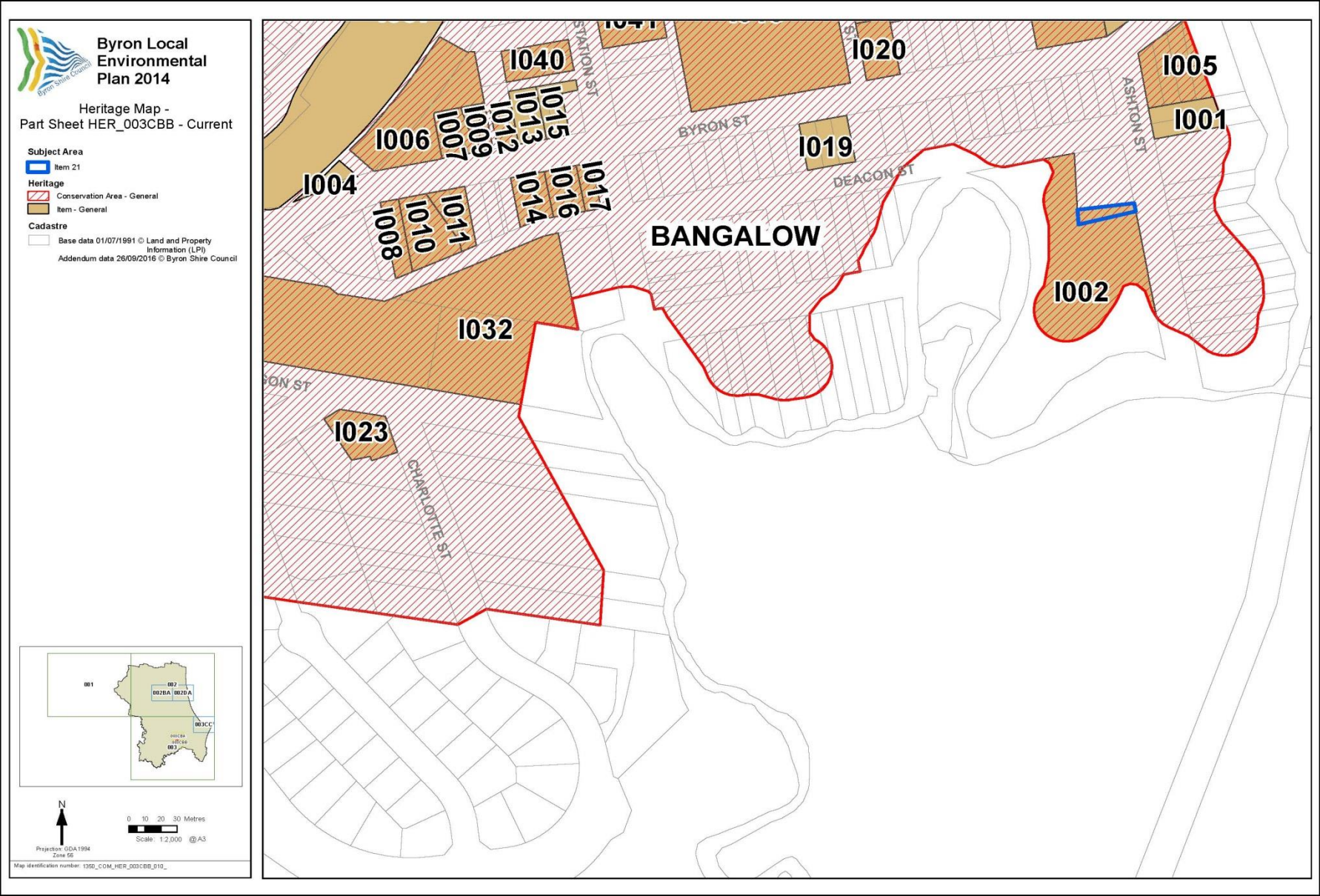


Figure 17.0: Current Heritage Mapping



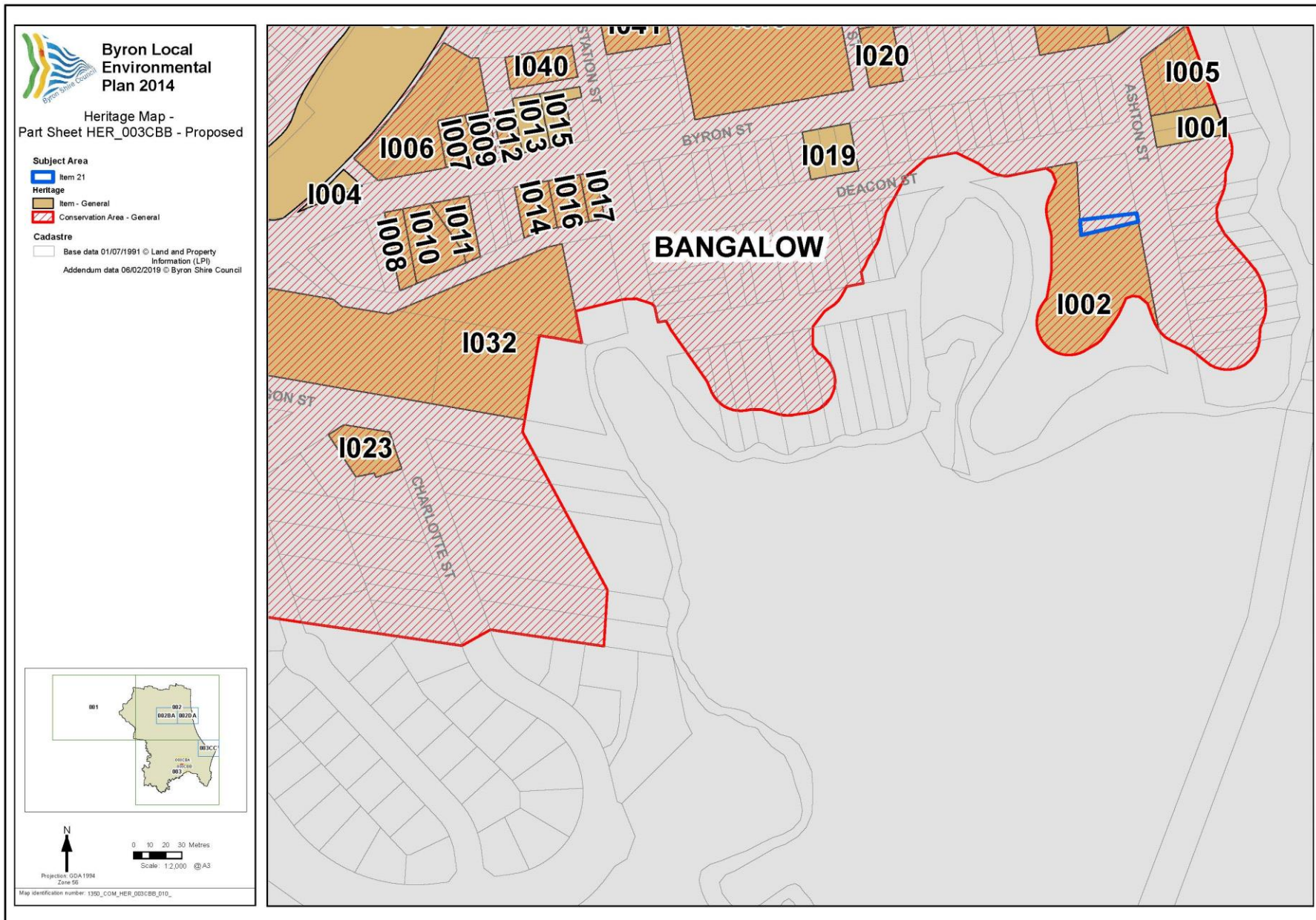


Figure 17.1: Proposed Heritage Mapping

Item 22: Amendment to rezone Council land, Lot 60 DP 817888 Suffolk Park to RE1 in accordance with the Council resolution (16-857)

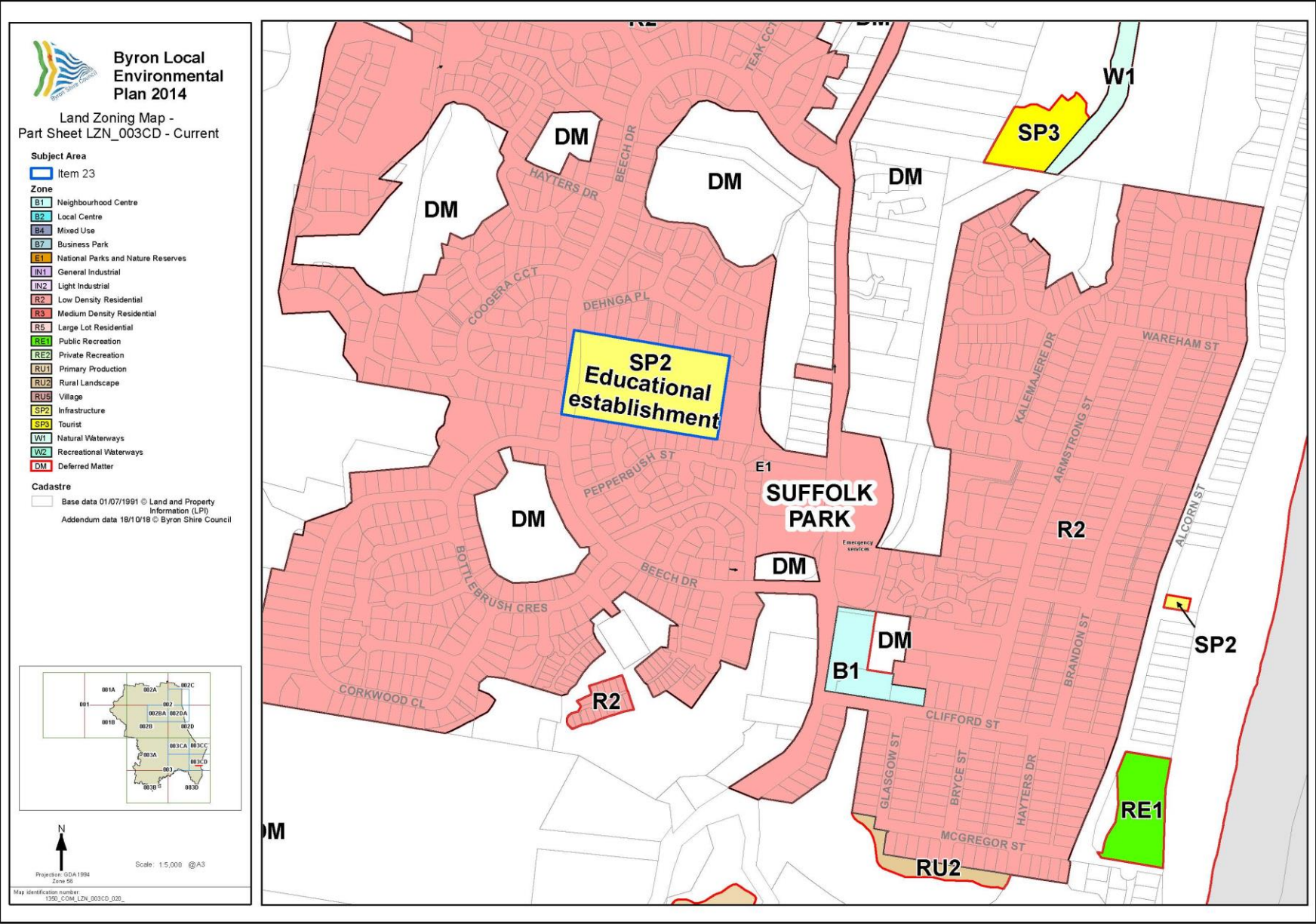


Figure 18.0: Current Zoning Map



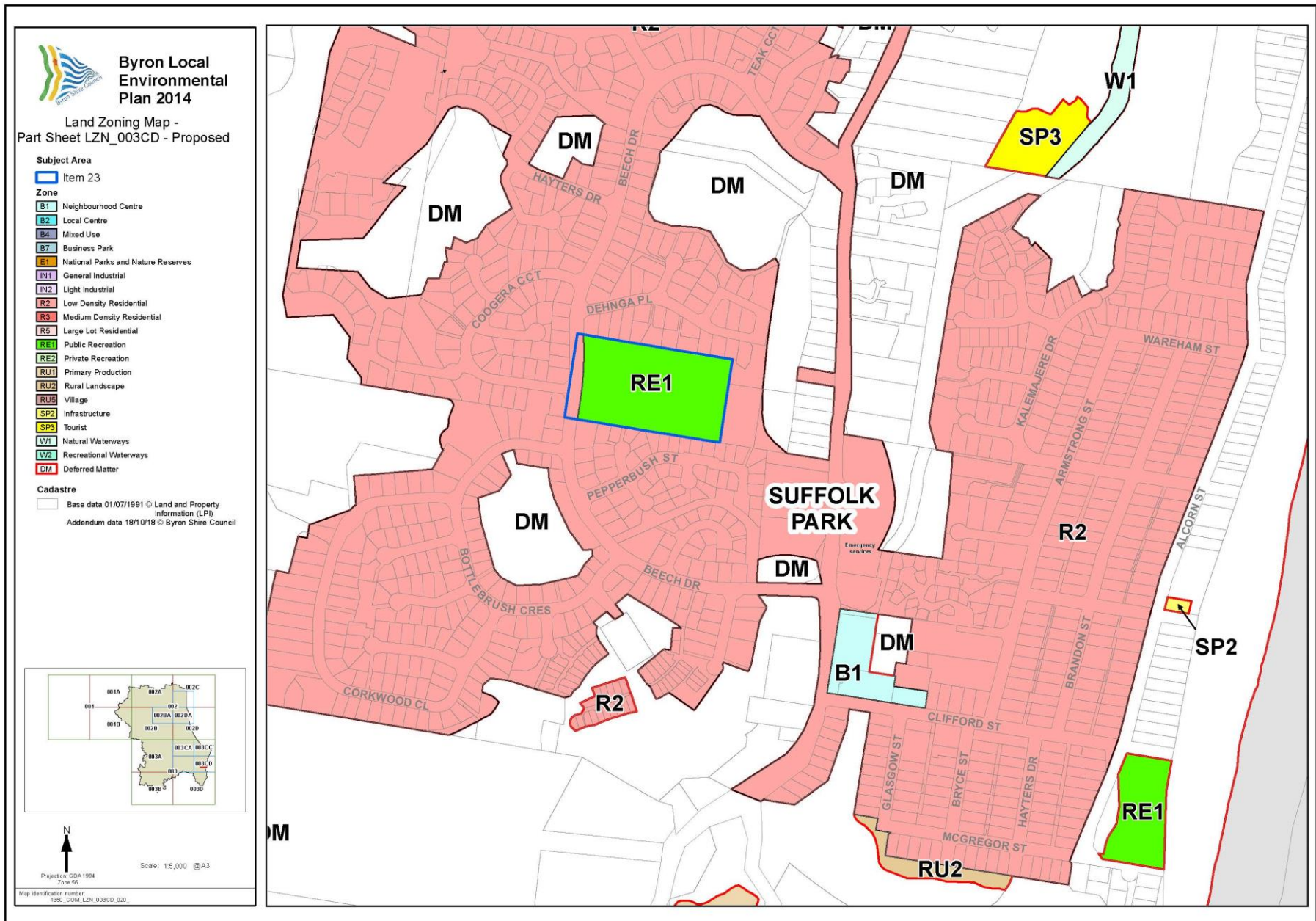


Figure 18.1: Proposed Zoning Map

## **Attachment 2 – Property Details**

| <b>Item</b>  | <b>Lot/DP</b> | <b>Address</b>                        | <b>Parcel Number</b> |
|--|---------------|---------------------------------------|----------------------|
| 1  | 237/755695    | Ewingsdale Road, BYRON BAY            | 21740                |
| 2  | 24/1159865    | 11 Blindmouth Road, MAIN ARM          | 241267               |
|  | 25/1159865    | 950 Main Arm Road, MAIN ARM           | 241268               |
|  | 2/531902      | 909 Main Arm Road, MAIN ARM           | 49300                |
|  | 1/531902      | 905 Main Arm Road, MAIN ARM           | 49290                |
|  | 1/1195917     | 901 Main Arm Road, MAIN ARM           | 267332               |
|  | 10/1195917    | 825 Main Arm Road, MAIN ARM           | 267341               |
|  | 4/1195917     | 4 Moran Close, MAIN ARM               | 267335               |
|  | 5/1195917     | 7 Moran Close, MAIN ARM               | 267336               |
|  | 6/1195917     | 5 Moran Close, MAIN ARM               | 267337               |
|  | 9/1195917     | Moran Close, MAIN ARM                 | 267340               |
|  | 7/1195917     | 3 Moran Close, MAIN ARM               | 267338               |
|  | 3/614621      | 871 Main Arm Road, MAIN ARM           | 49250                |
|  | 51/1035034    | 874 Main Arm Road, MAIN ARM           | 238214               |
|  | 52/1035034    | Blindmouth Road, MAIN ARM             | 238215               |
| 3  | 12/1214403    | 50 Charlotte Street, BANGALOW         | 267896               |
|  | 13/1214403    | 48 Charlotte Street, BANGALOW         | 267897               |
|  | 14/1214403    | 46 Charlotte Street, BANGALOW         | 267898               |
|  | 43/1228135    | 33 Charlotte Street, BANGALOW         | 268522               |
|  | 42/1232435    | 31 Charlotte Street, BANGALOW         | 268781               |
|  | 43/1232435    | 29 Charlotte Street, BANGALOW         | 268782               |
| 4  | 1/1134600     | 513 Brunswick Valley Way, BILLINUDGEL | 240710               |
| 5  | 4729/1228104  | Lawson Street, BYRON BAY              | 268546               |
| No lot/DP associated with roads. Details for item 6 are for adjoining properties |               |                                       |                      |
| 6  | 101/1044613   | 5 Oola Place, OCEAN SHORES            |                      |
|  | 100/1044613   | 6 Oola Place, OCEAN SHORES            |                      |
|  | 26/1016168    | 4 Oola Place, OCEAN SHORES            |                      |
|  | 100/1044598   | 1 Oba Place, OCEAN SHORES             |                      |
| 7  | 6/812020      | Wanganui Road, WANGANUI               | 210180               |
|  | 1/1121177     | Wanganui Road, WANGANUI               | 240477               |
| 8  | 3/1239913     | 53 Granuaille Road, BANGALOW          | 269125               |
|  | 2/1239913     | 53A Granuaille Road, BANGALOW         | 269124               |
|  | 1/1239913     | 55 Granuaille Road, BANGALOW          | 269123               |

|    |                 |  |        |
|----|-----------------|--|--------|
| 9  | 231/1194657     | 57 Granuaille Road, BANGALOW                       | 267277 |
|    | 240/1231365     | 59 Granuaille Road, BANGALOW                       | 268691 |
| 10 | 50/1252223      | 57 Clover Hill Circuit, BANGALOW                   | 269688 |
|    | 54/1252223      | 55 Clover Hill Circuit, BANGALOW                   | 269692 |
|    | 55/1252223      | 53 Clover Hill Circuit, BANGALOW                   | 269693 |
|    | 38/1252223      | 51 Clover Hill Circuit, BANGALOW                   | 269676 |
|    | 37/1252223      | 49 Clover Hill Circuit, BANGALOW                   | 269675 |
|    | 36/1252223      | 47 Clover Hill Circuit, BANGALOW                   | 269674 |
|    | 35/1252223      | 45 Clover Hill Circuit, BANGALOW                   | 269673 |
|    | 34/1252223      | 43 Clover Hill Circuit, BANGALOW                   | 269672 |
|    | 33/1252223      | 41 Clover Hill Circuit, BANGALOW                   | 269671 |
|    | 32/1252223      | 39 Clover Hill Circuit, BANGALOW                   | 269670 |
|    | 31/1252223      | 37 Clover Hill Circuit, BANGALOW                   | 269669 |
|    | 45/1252223      | 14 Clover Hill Circuit, BANGALOW                   | 269683 |
|    | 43/1252223      | 16 Clover Hill Circuit, BANGALOW                   | 269681 |
|    | 44/1252223      | 18 Clover Hill Circuit, BANGALOW                   | 269682 |
|    | 19/1252223      | 13 Clover Hill Circuit, BANGALOW                   | 269657 |
|    | 18/1252223      | 11 Clover Hill Circuit, BANGALOW                   | 269656 |
|    | 17/1252223      | 9 Clover Hill Circuit, BANGALOW                    | 269655 |
| 11 | 2/1238605       | 99 Stuart Street, MULLUMBIMBY                      | 269426 |
| 12 | Brunswick Heads | Majority of Brunswick Heads township, 500+ parcels |        |
|    | Tallow Creek    | No lot/DP  |        |
|    | 5/880917        | 5 Shara Boulevard, OCEAN SHORES                    | 221940 |
| 13 | 1/301444        | 24 Mullumbimbi Street, BRUNSWICK HEADS             | 54960  |
| 14 | 1/1138652       | 385 Myocum Road, MYOCUM                            | 240776 |
| 15 | 7/1187184       | 14 Kingsley Street, BYRON BAY                      | 242123 |
| 16 | 16/1227099      | 7 Lismore Road, BANGALOW                           | 268436 |
|    | 17/1227099      | 5 Lismore Road, BANGALOW                           | 268437 |
| 17 | 52/1161100      | Mt. Jerusalem National Park                        | 241635 |
| 18 | 4/830202        | Hayter Street, SUFFOLK PARK                        | 187570 |
| 19 | 429/755687      | New Brighton Road, OCEAN SHORES                    | 241782 |
| 20 | 1/1249921       | 4 Ashton Street, BANGALOW                          | 269557 |
| 21 | 3/847753        | Lighthouse Road, BYRON BAY                         | 236720 |
|    | 2/847753        | Lighthouse Road, BYRON BAY                         | 205550 |
|    | 1/847753        | Lighthouse Road, BYRON BAY                         | 205540 |
| 22 | 60/817888       | 46 Beech Drive, SUFFOLK PARK                       | 155990 |



