



IRF23/2428

## Gateway determination report – PP-2023-1858

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Byron LEP 2014 housekeeping amendments

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# Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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**Table 1 - Reports and plans supporting the proposal**

Relevant reports and plans
Byron Shire Council Planning Proposal, August 2023
Byron Shire Council Report to Ordinary Council Meeting and Resolution, 11 August 2023
Planning Proposal Application Form PP-2023-1858
Planning Proposal Submission Form PP-2023-1858

# 1 Planning proposal

## 1.1 Overview

**Table 2 - Planning proposal details**

<b>LGA</b>	<b>Byron Shire</b>
<b>PPA</b>	<b>Byron Shire Council</b>
<b>NAME</b>	<b>Byron LEP 2014 Housekeeping amendments</b>
<b>NUMBER</b>	<b>PP-2023-1858</b>
<b>LEP TO BE AMENDED</b>	<b>Byron Local Environmental Plan 2014</b>
<b>ADDRESS</b>	<b>Various sites throughout the local government area</b>
<b>DESCRIPTION</b>	<b>As above</b>
<b>RECEIVED</b>	<b>28/08/2023</b>
<b>FILE NO.</b>	<b>IRF23/2428</b>
<b>POLITICAL DONATIONS</b>	<b>There are no donations or gifts to disclose and a political donation disclosure is not required</b>
<b>LOBBYIST CODE OF CONDUCT</b>	<b>There have been no meetings or communications with registered lobbyists with respect to this proposal</b>

## 1.2 Objectives of planning proposal

The objective of the planning proposal is to make various minor policy and mapping housekeeping amendments to the Byron Local Environmental Plan (LEP) 2014. The intended outcomes are to:

1. apply a minimum subdivision lot size for community title schemes in Zone C4 Environmental Living;
2. align the floor space ratio of dual occupancies in Zone R2 Low Density with the floor space ratio that applies to the land;
3. provide increased flexibility for rural boundary adjustments where one or more of the lots is less than the minimum lot size;
4. remove the requirement for dual occupancies associated with rural and nature-based tourism development to be attached;
5. permit vehicle access to rural and nature-based tourism development via a classified road;
6. enable an additional permitted use for certain land at Broken Head;
7. remove the requirement that detached dual occupancies need to be located within 100m of each other in a rural zone;
8. increase the floor space ratio for certain land in Suffolk Park and New Brighton from 0.2:1 to 0.3:1;

9. rezone certain land in the Bangalow Industrial Estate from RU1 Primary Production to E4 General Industrial to reflect the existing industrial use and amend associated floor space ratio and lot size controls;
10. apply a 9-metre height control to certain land in Bangalow consistent with the surrounding locality; and
11. rezone certain land in Mount Jerusalem National Park and Billinudgel Nature Reserve from RU2 Rural Landscape and Deferred Matters and to C1 National Parks and Nature Reserves.

The objectives and intended outcomes of the planning proposal are clear. However, reference to amending the Byron LEP 1988 should be removed as all amendments relate to the Byron LEP 2014 only. A correction is also needed to the number of policy versus mapping amendments specified in section 1.2 (7 and 4 rather than 6 and 5). The Gateway determination should require that the planning proposal be updated prior to consultation to address these matters.

## 1.3 Explanation of provisions

The planning proposal includes 11 separate amendments categorised into policy amendments (items 1 - 7) and map amendments (items 8 - 11) and contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

Prior to consultation the planning proposal should be amended to correct the sequencing of item numbers 9 to 11, currently shown as item numbers 10 to 12. A condition to this effect will be included in the Gateway Determination.

## 1.4 Site description and surrounding area

The proposed policy amendments apply to various properties across a range of zones. The proposed mapping amendments affect specific properties and are discussed in more detail in Part 2 of this report.

## 1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Byron LEP 2014 maps for items 8 to 11, which are considered suitable for community consultation. Mapping for item 6 (Schedule 1 amendment) and item 11 (Land Application Map) should also be included in the proposal prior to consultation. A condition to this effect will be included in the Gateway Determination.

The final LEP mapping will need to comply with the Standard Technical Requirements for Standard Instrument LEP Maps prior to finalisation of amendment.

# 2 Need for the planning proposal

The planning proposal is not a result of an approved local strategy. Council has prepared the proposal following a periodic review of the Byron LEP 2014. The amendments are required to refine non-mandatory provisions, correct minor mapping anomalies, update the National Park estate and to resolve an unintended omission to schedule 1.

The following provides a summary of the proposed amendments, the justification, and planning assessment:

## Policy amendments

- **Item 1:** *include Zone C4 Environmental Living in clause 4.1AA*

The proposal seeks to amend clause 4.1AA to ensure that minimum lot sizes for community title subdivisions are applied in the C4 Environmental Living zone. Given the recent introduction of Zone C4 into the Byron LEP 2014, this amendment is considered appropriate.

- **Item 2:** *remove clause 4.4(2A) from the Byron LEP 2014*

The proposal seeks to limit the scale of dual occupancy developments in Zone R2 Low Density. The clause currently permits a floor space ratio of 0.5:1 for dual occupancies in the R2 zone, irrespective of the floor space ratio that applies to the land. In areas where the floor space ratio is less than 0.5:1, dual occupancies are being constructed with larger building footprints than dwelling houses.

The planning proposal notes that lower floor space ratios apply to certain areas to minimise the bulk and scale of development, to protect environmental values, and or to reduce the risk of harm from natural hazards such as flooding. The removal of clause 4.4(2A) from the Byron LEP 2014 will ensure that dual occupancies in the R2 zone will be of suitable scale having regard to the floor space ratio that applies to the land. This is considered appropriate.

- **Item 3:** *amend clause 4.1C to provide increased flexibility for rural boundary changes*

The proposal seeks to provide more flexibility for rural boundary adjustments where one or more of the lots is less than the minimum lot size without increasing the number of lots or creating additional dwelling opportunities.

The amendment was prompted by a Land and Environment Court judgement that clarified the meaning of boundary ‘adjustment’ in the Johnson vs. Coffs Harbour Council case. The proposal suggests changing the terminology from ‘adjustment’ to ‘altered’ in clause 4.1C to allow for a broader interpretation of the circumstances in which rural boundary changes can be permitted.

The planning proposal includes a draft clause similar to one in the Eurobodalla LEP 2012, which several councils across the state have in their LEPs. The Council has also resolved to prepare development control provisions to guide the interpretation of the term ‘altered’ in preparing and assessing development applications.

The Department’s legal branch and rural policy team have been contacted and raised no objections to the proposed approach, from a legal or rural policy perspective, noting that the interpretation of the clause is likely still to be limited to minor changes, and that Council should seek legal advice to determine whether a proposed boundary change meets the intent of the clause.

The proposed amendment is considered reasonable, subject to consultation with the NSW Department of Primary Industries – Agriculture.

- **Item 4:** *amend clause 6.8(4)(a) to permit detached dual occupancies*

The proposal seeks to remove the requirement for dual occupancies to be attached where associated with rural and nature-based tourism development by removing the word “attached” from clause 6.8(4)(a). This is considered appropriate as both attached and detached dual occupancies are permitted in the RU1 Primary Production and RU2 Rural Landscape zones where rural and nature-based tourism development is permitted.

- **Item 5:** *amend clause 6.8(3)(a) to permit access via a classified road*

The proposal seeks to enable development applications for rural and nature-based tourism development to be considered where access is proposed via a classified road by removing the words “other than a classified road” from clause 6.8(3)(a). Council has also drafted a proposed

new subclause with additional considerations for determining the safety and suitability of classified road access. The draft subclause is in appendix 1 to the planning proposal.

The proposed amendment is similar to a recent amendment to the Lismore LEP 2012 and is considered appropriate subject to consultation with Transport for NSW (TfNSW). The planning proposal should also be amended prior to consultation to correctly show the tracked changes to clause 6.8 in appendix 1. A condition to this effect will be included in the Gateway Determination. The final wording of the proposed subclause will be subject to legal drafting by Parliamentary Counsel.

- **Item 6:** *amend Schedule 1 to include an additional permitted use for certain land at Seven Mile Beach Road, Broken Head*

The proposal seeks to include an additional permitted use in Schedule 1 to allow four dwelling-houses for a multiple occupancy with consent, on Lot 3 DP 599728, Seven Mile Beach Road, Broken Head.

The amendment has arisen due to an unintentional error. Council notes that the additional use is already listed in Schedule 8 of Byron LEP 1988 and was inadvertently omitted from Schedule 1 of Byron LEP 2014 at the time of finalising the E Zones Stage 3 planning proposal which rezoned the site from Deferred Matters to conservation.

Schedule 8 clause 17 of the Byron LEP 1988 permitted the additional use, “...*only if all buildings are within the building envelope shown for that lot on the map marked Byron Local Environmental Plan 1988 (Amendment No 53).*” Prior to consultation, LEP mapping for item 6 will need to be included in the planning proposal identifying the building envelope for the additional permitted use. A condition to this effect will be included in the Gateway determination.

- **Item 7:** *remove clause 4.2D(2)(c) from the Byron LEP 2014*

The proposal seeks to provide increased flexibility in the separation distance for detached dual occupancies in Zones RU1 Primary Production and RU2 Rural Landscape by removing clause 4.2D(2)(c) which specifies a maximum 100 metre separation distance.

The planning proposal notes that other considerations under clause 4.2D(2) along with provisions in Council's Development Control Plan will help to ensure that the potential for land use conflict is minimised and the use of the land for agriculture is not adversely affected.

A key objective of clause 4.2D is ‘*to ensure that development is of a scale and nature that is compatible with the primary production potential, rural character and environmental capabilities of the land*’. It is recommended that consultation occur with the Department of Primary Industries - Agriculture to confirm the suitability of the proposed amendment. A condition to this effect will be included in the Gateway Determination.

## Mapping amendments

- **Item 8:** *amend the floor space ratio map (FSR\_003CD and FSR\_002CA) to increase the floor space ratio for certain land in Suffolk Park and New Brighton from 0.2:1 to 0.3:1*

The proposal seeks to increase the floor space ratio (FSR) applying to certain Zone R2 Low Density Residential, C3 Environmental Conservation and SP3 Tourist land in Suffolk Park and Zone R2 land in New Brighton, from 0.2:1 to 0.3:1 (figures 1 - 3 and 7 - 9).

The planning proposal notes the existing FSR was applied when transitioned from LEP 1988 due to the environmental sensitivity and flooding hazard of the land (figures 4 - 6 and 10 - 12). Numerous dwellings however have a FSR greater than 0.2:1 as they were constructed prior to the commencement of LEP 2014.



The proposed increase in FSR is minor and considered unlikely to result in any significant increase in development potential of the subject lands and generally reflects the existing dwelling density in these areas. The proposed amendment is considered reasonable, subject to consultation with the NSW Biodiversity Conservation Division (BCD).

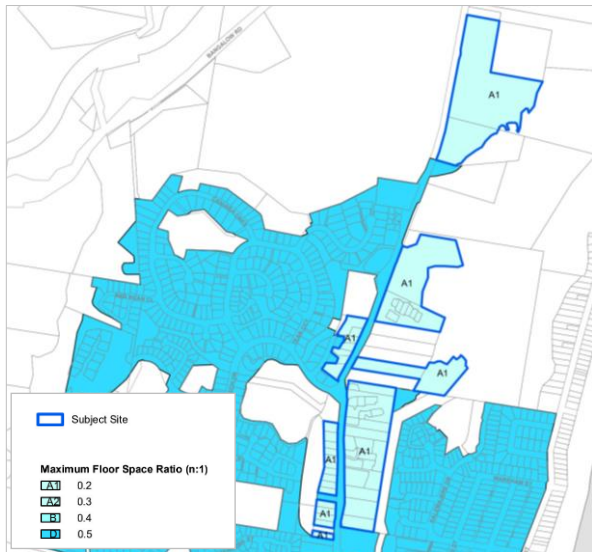


Figure 1 - Suffolk Park existing floor space ratio  
(source: planning proposal)

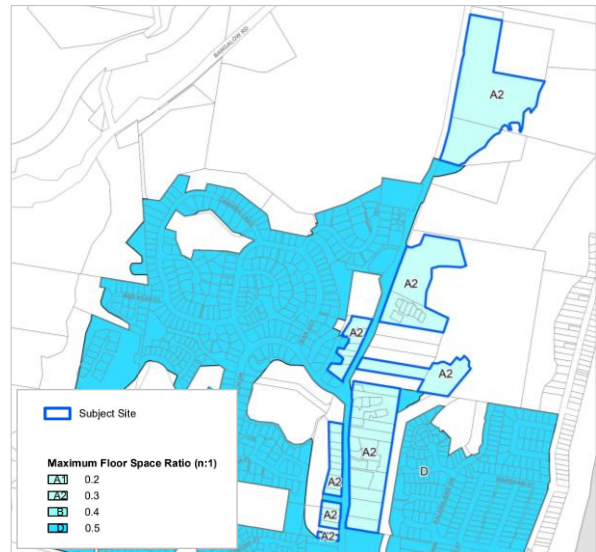


Figure 2 – Suffolk Park proposed floor space ratio  
(source: planning proposal)

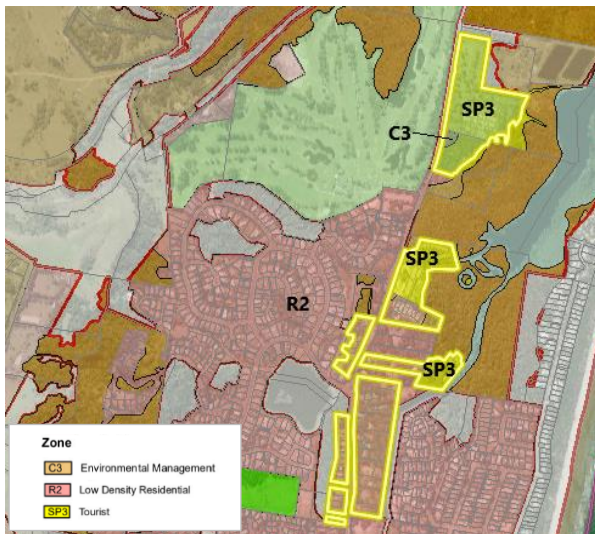


Figure 3 - Suffolk Park zoning  
(source: Northern spatial viewer)

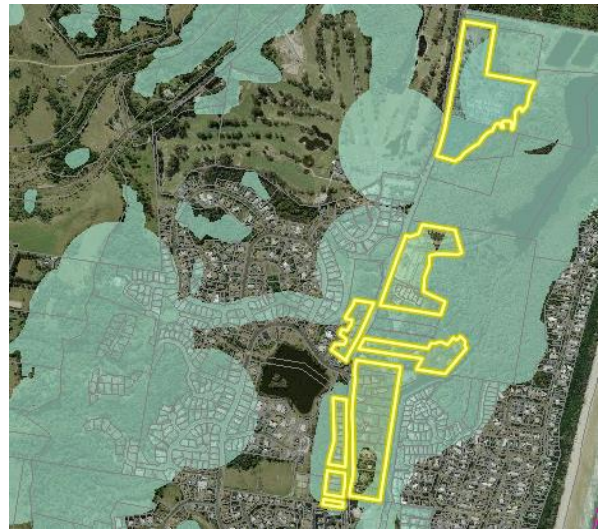


Figure 4 – Suffolk Park high environmental value  
(source: Northern spatial viewer)



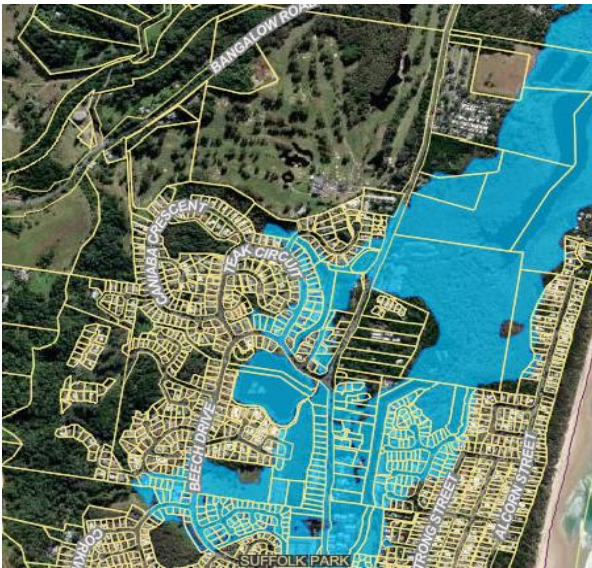


Figure 5 - Suffolk Park probable maximum flood  
(source: Byron Shire Council Web Map)

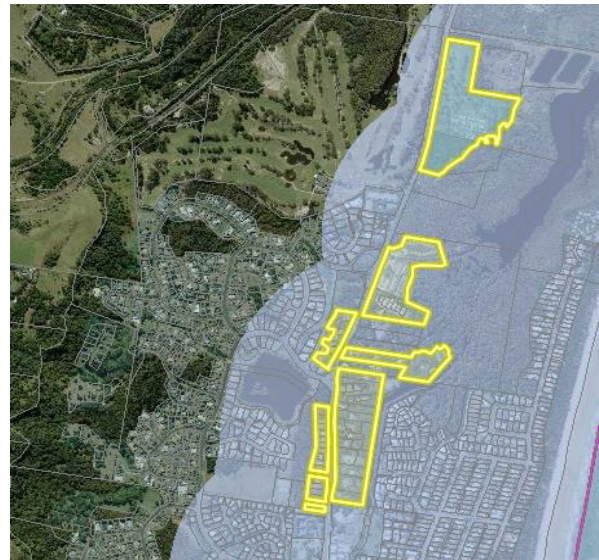


Figure 6 – Suffolk Park coastal environment map  
(source: Northern spatial viewer)

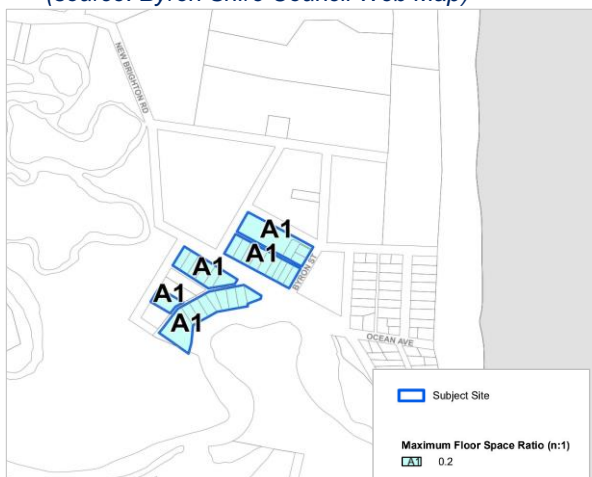


Figure 7 – New Brighton existing floor space ratio  
(source: planning proposal)

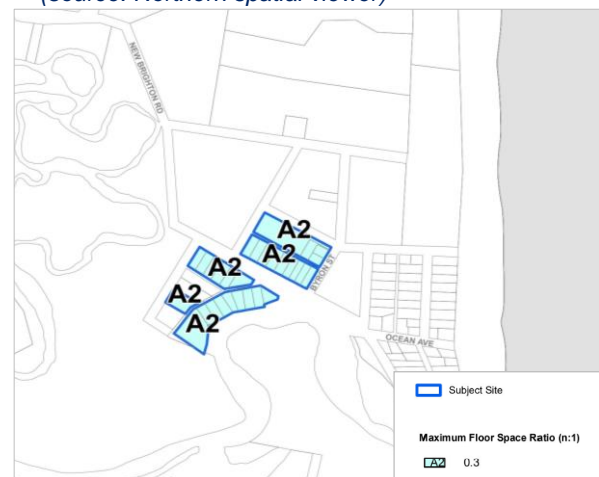


Figure 8 – New Brighton proposed floor space ratio  
(source: planning proposal)



Figure 9 – New Brighton zoning  
(source: Northern spatial viewer)



Figure 10 – New Brighton high environmental value  
(source: Northern spatial viewer)



Figure 11 – New Brighton probable maximum flood  
(source: Byron Shire Council Web Map)



Figure 12 – New Brighton coastal environment map  
(source: Northern spatial viewer)

- **Item 9:** amend the land zone map (LZN\_003A) to rezone certain land in the Bangalow Industrial Estate from RU1 Primary Production to E4 General Industrial and amend associated floor space ratio and lot size maps (FSR\_003AA and LSZ\_003)

A small strip of developed industrial land on the northern edge of the Bangalow Industrial Estate is incorrectly zoned RU1 Primary Production. The proposed changes to the zone, floor space ratio and lot size maps are considered appropriate as they reflect the existing land use and development of the site (figures 13 - 19).

To help inform the community it is considered appropriate that appendix 2 of the planning proposal be amended to show Zone E4 for the existing Bangalow industrial estate in place of the former Zone IN1 (figure 14). A condition to this effect will be included in the Gateway determination.



Figure 13 – Item 9 aerial image  
(source: Northern spatial viewer)

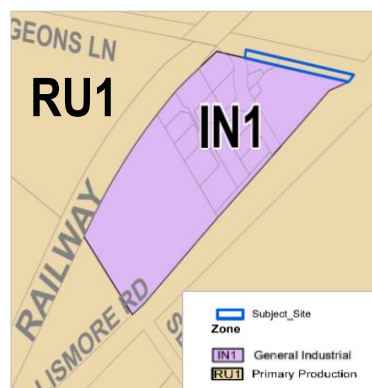


Figure 14 – Existing land zoning  
(source: planning proposal)

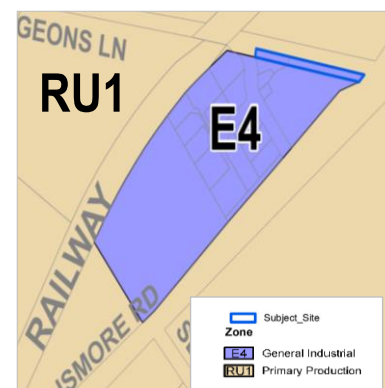


Figure 15 – Proposed land zoning  
(source: planning proposal)





Figure 16 – Existing floor space ratio  
(source: planning proposal)



Figure 17 – Proposed floor space ratio  
(source: planning proposal)

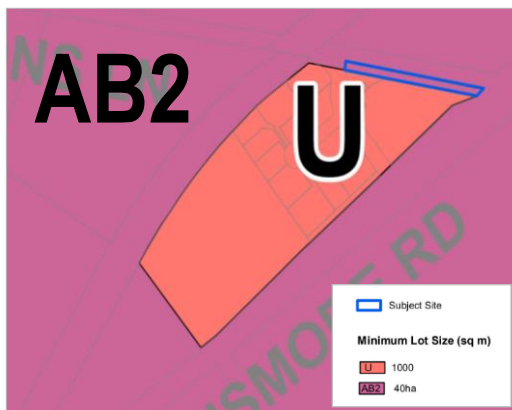


Figure 18 – Existing lot size  
(source: planning proposal)

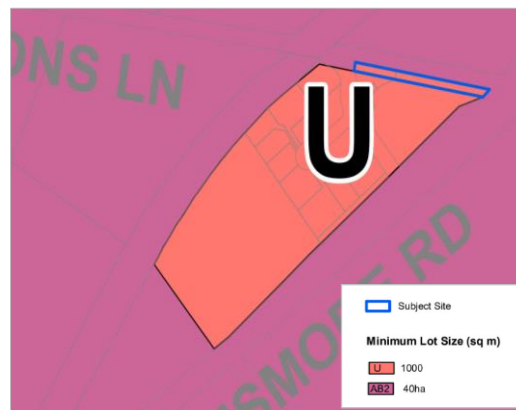


Figure 19 – Proposed lot size  
(source: planning proposal)

- **Item 10:** amend the height of buildings map (HOB\_003) to apply a 9m height control to certain land in Bangalow

This amendment seeks to align the maximum height of buildings that applies to seven (7) properties in Bangalow to the height limit that applies to land in the surrounding and broader locality. This is considered appropriate (figures 20 – 21).

It is noted that the description of this item in Table 1 of the planning proposal should be amended to reference the correct number of properties affected by this amendment. A condition to this effect will be included in the Gateway Determination.



Figure 20 – Existing height of buildings  
(source: planning proposal)



Figure 21 – Proposed height of buildings  
(source: planning proposal)

- **Item 11:** amend the land zone map (LZN\_002B, LZN\_002C and LZN\_002CA) to rezone certain land from Deferred Matters and RU2 Rural Landscape to C1 National Parks and Nature Reserves

The proposed rezoning of lands within the Mount Jerusalem National Park (figures 22 – 23) and the Billinudgel Nature Reserve (figures 24 – 27) from Deferred Matters and Zone RU2 to Zone C1 reflects that these lands have been gazetted as National Parks or Nature Reserves under the *National Parks and Wildlife Act 1974*.

As the land is currently deferred, a land application map will also need to be prepared and included in the planning proposal for consultation. A condition to this effect will be included in the Gateway Determination.

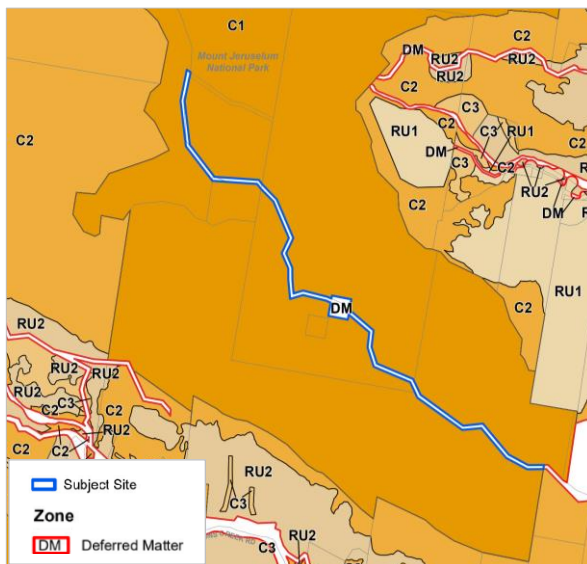


Figure 22 – Mt. Jerusalem National Park existing zoning  
(source: planning proposal)

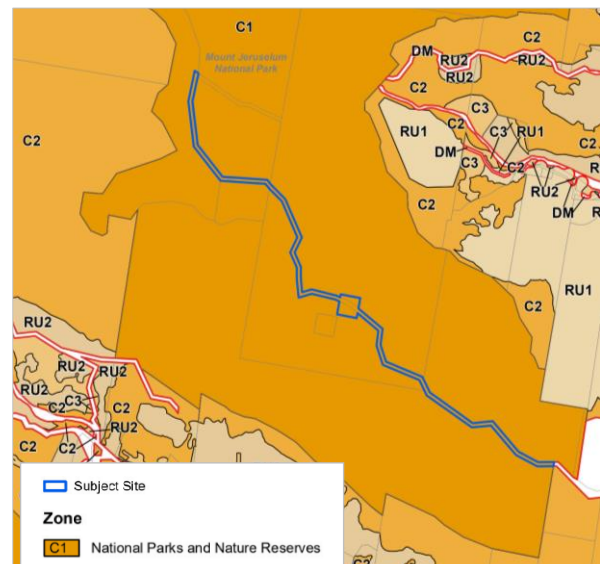


Figure 23 – Mt. Jerusalem National Park proposed zoning  
(source: planning proposal)

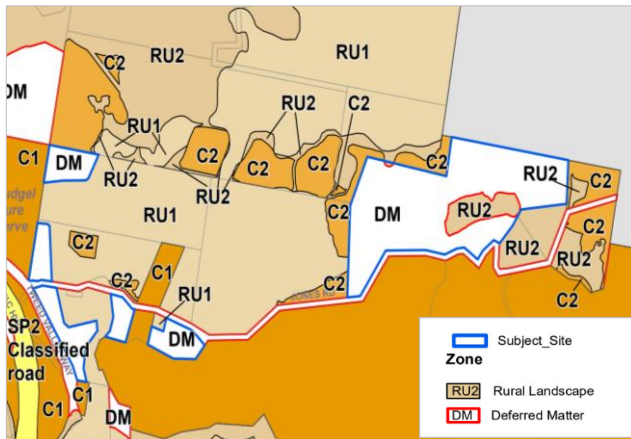


Figure 24 – Billinudgel Nature Reserve existing zoning (source: planning proposal)

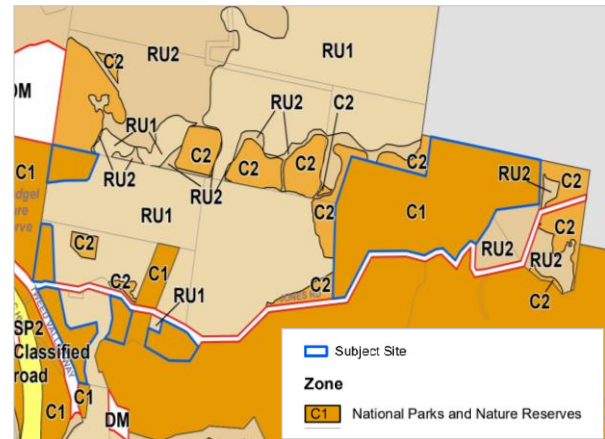


Figure 25 – Billinudgel Nature Reserve proposed zoning (source: planning proposal)

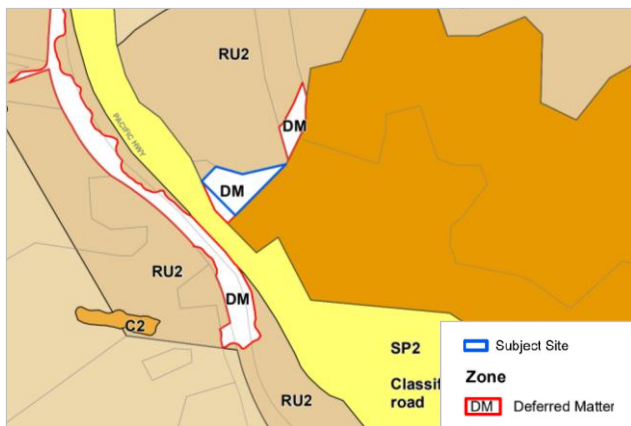


Figure 26 – Billinudgel Nature Reserve existing zoning (source: planning proposal)

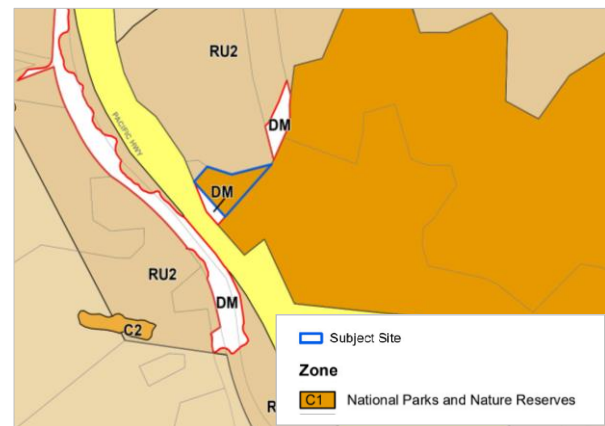


Figure 27 – Billinudgel Nature Reserve proposed zoning (source: planning proposal)

The planning proposal is considered to be the best means of achieving Council's objectives and intended outcomes.

### 3 Strategic assessment

#### 3.1 Regional Plan

The planning proposal is considered to be generally consistent with the goals, objectives and overall intent of the North Coast Regional Plan 2041.

#### 3.2 Local

The proposal confirms that it is consistent with Byron Shire Local Strategy Planning Statement 2020 in ensuring that the Byron LEP 2014 remains current and responsive to community and development industry needs, which is also aligns with the objectives of Council's Community Strategic Plan 2032.

#### 3.3 Section 9.1 Ministerial Directions

The planning proposal is considered to be consistent with all relevant section 9.1 Directions except as discussed below:

Table 3 – section 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
4.1 Flooding	Justifiably inconsistent	<p>The proposal is inconsistent with this direction as a number of items affected by flood prone land, such as item 8 which increases the floor space ratio (FSR) and does not include provisions that give effect to the NSW Flood Prone Land Policy, the principles of the Floodplain Development Manual 2005, the Considering Flooding in Land Use Planning Guidelines 2021, or any adopted flood study and or floodplain risk management plan.</p> <p>The inconsistency of the proposal with this direction is considered to be of minor significance as the proposal is a minor housekeeping amendment which does not seek to provide any significant increased development potential and generally only reflects the existing development nature. Any potential flood issues associated with future development can also be appropriately addressed at the DA stage.</p> <p>Notwithstanding the above, it is recommended that consultation occur with NSW Biodiversity Conservation Division to confirm the suitability of this item.</p>
4.2 Coastal Management	Justifiably inconsistent	<p>The proposal is inconsistent with this direction as a number of items affect land mapped as 'coastal environment area' and 'coastal use area' under SEPP (Resilience and Hazards) 2021 and it does not give effect to the objectives of the Coastal Management Act 2016, the NSW Coastal Management Manual, the NSW Coastal Design Guidelines 2003 or any relevant Coastal Management Program.</p> <p>The inconsistency of the proposal with this direction is considered to be of minor significance as the proposal is a minor housekeeping amendment which does not seek to provide any significant increased development potential and generally only reflects the existing development nature</p>
4.3 Planning for Bushfire Protection	Unresolved	<p>This proposal is inconsistent with this direction as it applies to land that is bush fire prone. The direction requires that the relevant planning authority consult with the Commissioner of the NSW Rural Fire Service (RFS). Until this consultation has occurred, and a written response received, the inconsistency of the proposal with this direction remains unresolved.</p>



5.3 Development Near Regulated Airports and Defence Airfields	Unresolved	This direction applies as items 3, 4 and 7 of the proposal seek to create and alter provisions relating to land near a regulated airport. The direction requires that consultation must be undertaken with the lessee/operator of the airport. Until consultation has occurred with the lessee/ operator of the Tyagarah Airfield, this direction remains unresolved.
5.4 Shooting Ranges	Justifiably inconsistent	<p>The planning proposal is inconsistent with this direction as items 3, 4 and 7 alter provisions for land adjacent to and or adjoining an existing shooting range.</p> <p>This inconsistency is considered to be of minor significance as the proposal includes provisions to ensure the compatibility of development with nearby land uses in rural areas and is not expected to increase the potential for land use conflict.</p>
9.1 Rural Zones	Justifiably inconsistent	The planning proposal is inconsistent with this direction as item 9 seeks to rezone land from a rural zone to an employment zone and introduce provisions that will increase the permissible density of the land. This inconsistency is considered to be of minor significance as the rezoning involves a minor boundary adjustment to better align with the cadastral boundary and existing industrial land use.
9.2 Rural Lands	Justifiably inconsistent	<p>The planning proposal is inconsistent with this direction as items 1, 3, 4, 7 and 11 affect land within an existing or proposed rural or environmental zone and is unable to demonstrate compliance with all the relevant planning principles listed in the direction.</p> <p>This inconsistency is considered to be of minor significance as the proposal is not considered likely to increase the potential for rural land use conflict or fragmentation and is generally consistent with the regional and local planning framework.</p> <p>It is recommended that consultation occur with NSW Department of Primary Industries – Agriculture and NSW Biodiversity Conservation Division in relation to this direction.</p>
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Justifiably inconsistent	The planning proposal is inconsistent with this direction as item 9 seeks to rezone an area of regionally significant farmland from RU1 to E4. The inconsistency of the proposal with this direction is considered satisfactory as the rezoning is consistent with the urban growth area variation principles of the North Coast Regional Plan 2041 comprising a minor 'rounding off' of the urban growth boundary to better align with the cadastral boundary and existing employment land use.

It is noted that the planning proposal discusses changes to the Wategos residential area under section 9.1 direction 6.1 Residential Zones. The proposal needs to be updated before consultation to remove this discussion in accordance with Council's August 2023 resolution. The Gateway determination will include a condition to this effect.

### 3.4 State environmental planning policies (SEPPs)

The planning proposal is considered to be consistent with all relevant SEPPs.

## 4 Site-specific assessment

### 4.1 Environmental

The proposal is not expected to have any significant environmental impacts. Any constraints to future development, such as high environmental values, acid sulfate soils, flooding, bushfire, land contamination, and the like, can be addressed at the development application stage and controlled through existing provisions of Byron LEP 2014 and Council's DCP.

### 4.2 Social and economic

The planning proposal involves minor housekeeping matters and is not considered likely to result in any adverse social or economic impacts.

### 4.3 Infrastructure

No new or additional local or State infrastructure has been identified as being needed as a result of the planning proposal.

As noted under Part 2 of this report, consultation with TfNSW is recommended regarding the proposed amendment (item 5) to enable consideration of rural nature-based tourism developments that require vehicular access via a classified road.

### 4.4 Community

Council does not specify a community consultation period.

A period of 10 working days is considered appropriate consistent with the Department's LEP Making Guideline for a basic LEP, and forms part of the conditions of the Gateway determination.

### 4.5 Agencies

The proposal recommends consultation occur with NSW Department of Primary Industries – Agriculture and the NSW Rural Fire Service.

It is recommended the following agencies be consulted on the planning proposal and given 30 days to comment:

- NSW Department of Primary Industries – Agriculture
- NSW Biodiversity Conservation Division
- Transport for NSW
- NSW Rural Fire Service
- Tyagarah Airfield lessee/operator

## 5 Timeframe

Council proposes a 6 month time frame to complete the LEP.

This aligns with the LEP Making Guideline benchmark timeframe for a basic planning proposal and advice to this effect is recommended in the Gateway determination.

## 6 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the planning proposal is generally consistent, or justifiably inconsistent with the State, regional and local planning framework, it is recommended that Council be authorised to be the local plan-making authority for the proposal.

## 7 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- the proposal comprises minor housekeeping amendments to refine non-mandatory provisions, correct mapping anomalies, and resolve an unintended schedule 1 omission;
- the proposal will assist in ensuring the ongoing effective and efficient operation of the Byron LEP 2014; and
- the proposal is generally consistent, or justifiably inconsistent with the State, regional and local planning framework.

Based on the assessment outlined in this report, the proposal must be amended before agency and community consultation to:

- revise Part 1 to delete reference to amending the Byron LEP 1988;
- revise Part 1 to correct the stated number of policy versus mapping amendments;
- update Table 1 to correct the sequencing of item numbers 9 to 11;
- update Table 1 to specify the correct number of properties affected by item 10;
- include LEP Additional Permitted Use mapping for item 6 and LEP Land Application Mapping for Item 11;
- revise the assessment of section 9.1 Direction 6.1 Residential Zones to delete reference to the Wategos residential area;
- revise the Conclusion to delete reference to amending the Byron LEP 1988 and the Wategos residential area;
- revise Appendix 1 to show all tracked changes proposed to clause 6.8(3); and
- revise Appendix 2 to show Zone E4 for the existing Bangalow Industrial Estate.

## 8 Recommendation

It is recommended the delegate of the Secretary:

- agree that any inconsistencies with section 9.1 Directions 4.1 Flooding, 4.2 Coastal Management, 5.4 Shooting Ranges, 9.1 Rural Zones, 9.2 Rural Lands and 9.4 Farmland of State and Regional Significance on the NSW Far North Coast are minor or justified; and
- note that the consistency with section 9.1 Directions 4.3 Planning for Bushfire Protection and 5.3 Development Near Regulated Airports and Defence Airfields is unresolved and will require justification.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to agency and community consultation, the planning proposal is to be updated to:
  - revise Part 1 to correct the stated number of policy versus mapping amendments;
  - update Table 1 to correct the sequencing of item numbers 9 to 11;
  - update Table 1 to specify the correct number of properties affected by item 10;
  - include LEP Additional Permitted Use mapping for item 6 and LEP Land Application Mapping for Item 11;
  - revise the assessment of section 9.1 Direction 6.1 Residential Zones to delete reference to the Wategos residential area;
  - revise the Conclusion to delete reference to amending the Byron LEP 1988 and the Wategos residential area;
  - revise Appendix 1 to show all tracked changes proposed to clause 6.8(3); and
  - revise Appendix 2 to show Zone E4 for the existing Bangalow Industrial Estate.
2. Consultation is required with the following public authorities:
  - NSW Department of Primary Industries - Agriculture
  - NSW Department of Planning and Environment - Biodiversity Conservation Division
  - Transport for NSW
  - NSW Rural Fire Service
  - Tyagarah Airfield lessee/operator
3. The planning proposal should be made available for community consultation for a minimum of 10 working days.
4. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



18/9/23

(Signature)

(Date)

Craig Diss

Manager, Local and Regional Planning

Northern Region



20/9/2023

(Signature)

(Date)

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