



IRF24/56

Gateway determination report – PP-2023-2829

Transition the West Byron Urban Release Area from Byron LEP 1988 to Byron LEP 2014 and undertake associated housekeeping amendments (0 homes, 0 jobs)

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure 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 (Nov 2023)
Byron Shire Council Planning Proposal Appendix A (Nov 2023)
Byron Shire Council Report to Ordinary (Planning) Meeting and Resolution (9 Nov 2023)

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Byron Shire
PPA	Byron Shire Council
NAME	Transition the West Byron Urban Release Area from Byron LEP 1988 to Byron LEP 2014 and undertake associated housekeeping amendments (0 homes, 0 jobs)
NUMBER	PP-2023-2829
LEP TO BE AMENDED	Byron LEP 2014 and Byron LEP 1988
ADDRESS	Various properties
DESCRIPTION	Various properties
RECEIVED	15/12/2023
FILE NO.	IRF24/56
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The objective of this planning proposal is to transition the West Byron Urban Release Area from the Byron Local Environmental Plan (LEP) 1988 to the Byron LEP 2014 and making minor mapping and policy housekeeping amendments to align with subdivision layouts for certain areas of the site approved by the Land Environment Court.

The objectives of this planning proposal are considered to be clear and adequate.

1.3 Explanation of provisions

The planning proposal comprises land that is currently deferred from the Byron LEP 2014 and is subject to the provisions of the Byron LEP 1988. The deferred land is zoned a mixture of B1 Neighbourhood Centre, E2 Environmental Conservation, E3 Environmental Management, IN2 Light Industrial, R2 Low Density Residential, R3 Medium Density Residential, and RE1 Public Recreation (**Figure 1**).

The planning proposal seeks the following mapping and policy amendments to the Byron LEP 2014:

- Incorporate the subject site on the Land Application Map;

- Amend the Land Zone Map to rezone the site **from** Deferred Matter **to** equivalent Standard Instrument LEP 'like for like' zonings being E1 Local Centre, C2 Environmental Conservation, C3 Environmental Management, E4 General Industrial, R2 Low Density Residential, R3 Medium Density Residential, and RE1 Public Recreation; and rezone certain areas of the site to align with development approvals issued by the Land and Environment Court:
 - **from** R2 Low Density Residential **to** C2 Environmental Conservation, C3 Environmental Management, R5 Large Lot Residential, RE1 Public Recreation, RE2 Private Recreation, and SP2 Infrastructure Drainage;
 - **from** C2 Environmental Conservation **to** C3 Environmental Management and R5 Large Lot Residential; and
 - **from** RE1 Public Recreation **to** RE2 Private Recreation and SP2 Infrastructure Drainage (**Figure 2**);
- Amend the Land Zoning Map for two small residual areas of Deferred Matter land within Lots 227 and 229 DP 755695 to C2 Environmental Conservation to resolve a minor mapping misalignment between the footprint of the West Byron Urban Release Area and the Byron LEP 2014 Deferred Matter footprint (**Figure 7**);
- Incorporate associated Lot Size, Height of Buildings, and Acid Sulfate Soils Maps from the Byron LEP 1988 (**Figures 3 to 5**);
- Amend the Lot Size Map for certain areas of the site **from** 450 square metres (sqm) **to** 2500sqm, 9000sqm and 40 hectares consistent with the proposed zone changes; and exclude RE1 Public Recreation, RE2 Private Recreation, and SP2 Infrastructure Drainage zoned land consistent with development approvals issued by the Land and Environment Court (**Figure 6**);
- Amend clause 4.1E '*Minimum lots sizes for certain residential accommodation*' to permit greater residential densities for dual occupancy (attached and detached) in Zones R2 and R3 consistent with clause 82(2) of Byron LEP 1988; and
- Incorporate an equivalent provision to clause 83 of Byron LEP 1988 '*Exceptions to minimum subdivision lot sizes for certain residential development*' to ensure permitted densities for integrated housing are retained.

In relation the Byron LEP 1988, the planning proposal seeks deletion of Part 4 West Byron as it will no longer have any effect.

Mapping amendments

During assessment of the planning proposal, Council also requested that the Byron LEP 1988 Land Reservation Acquisition Map (**Figure 8**) be transitioned to LEP 2014 as it was inadvertently omitted at the time of preparing the proposal. As the proposal involves rezoning part of the existing RE1 Public Recreation land to SP2 Infrastructure Drainage and RE2 Private Recreation, the proposal should be amended prior to exhibition to include an updated Land Reservation Acquisition Map and confirm any associated changes to clause 5.1 of the Byron LEP 2014.

It is also considered appropriate that the proposal transition the LEP 1988 West Byron Urban Release Area Map to LEP 2014 and include all existing urban release area clauses under 'Division 3 Urban release area' of LEP 1988 in LEP 2014.

All associated planning proposal maps should also be updated prior to exhibition to align with the proposed zone footprint to ensure inclusion of the residual Deferred Matter land.

It is recommended that relevant conditions regarding these matters be included in the Gateway determination.

Policy amendments

Noting Council's intent of retaining higher residential densities where currently permitted under clause 82(2) of the Byron LEP 1988 for dual occupancies in West Byron, the proposed amendment to Byron LEP clause 4.1E should also include the existing clause 82 of the Byron LEP 1988 provisions for multi dwelling housing in the R3 Medium Density Residential zone. A condition to this effect will be included in the Gateway determination.

Further, as no equivalent provision exists in LEP 2014, it is also recommended that clause 83(A) *Boundary adjustments between lots in Zones E2 and E3* be transitioned to Byron LEP 2014 as either an amendment to clause 4.1C or a stand-alone provision.

Subject to these revisions, the proposed clause amendments are considered satisfactory.

The planning proposal, as submitted, also proposes a self-repealing savings provision to allow development applications lodged prior to the LEP taking effect to be determined as though the LEP had not occurred. Additional information received from Council during the assessment of the proposal confirmed that this provision is no longer required and Council has requested that it be deleted from the proposal. A condition to this effect will be included in the Gateway determination.

While Council intends changes to the Byron LEP 1988 to repeal Part 4, whether or not this change is necessary or will occur, will be determined by Parliamentary Counsel in drafting the final instrument. If changes are made to Byron LEP 1988, it is considered appropriate that West Byron map sheets are removed.

It is noted that a number of updates made by the Department over time to the Standard Instrument LEP Land Use Tables and provisions have not been applied to the Byron LEP 1988. This has resulted in slight differences between the two instruments. These differences are only considered to be minor in nature and transitioning the West Byron provisions into the Byron LEP 2014 will automatically update these provisions consistent with the current State approach and policy.

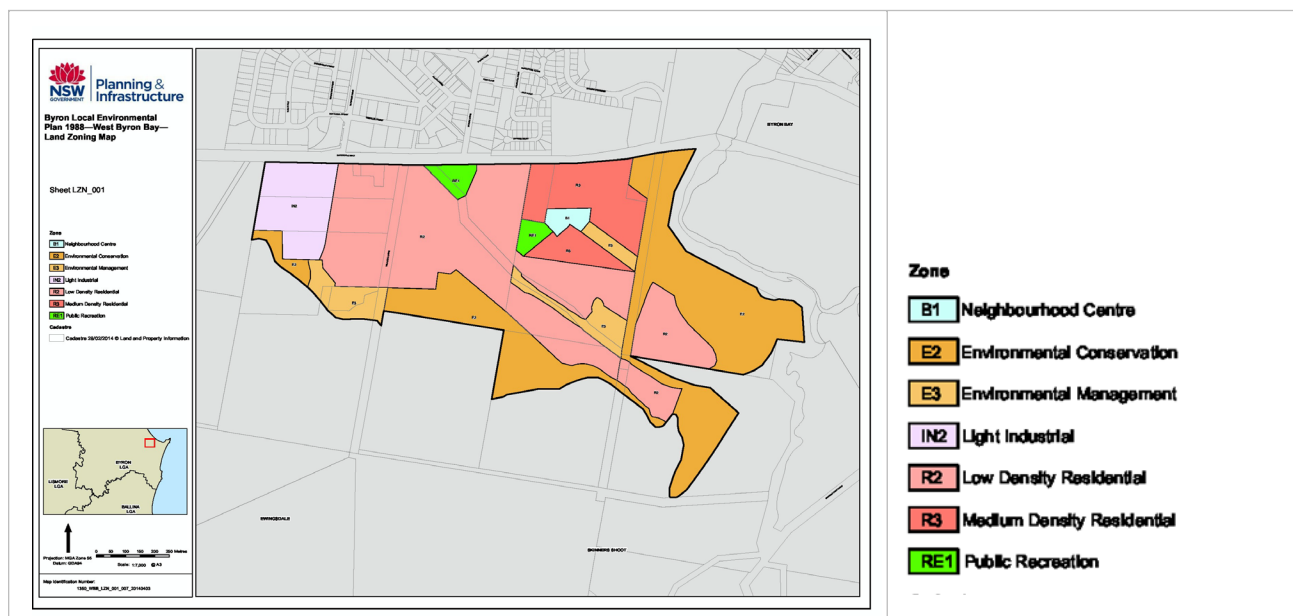


Figure 1: Byron LEP 1988 zoning (source: planning proposal)

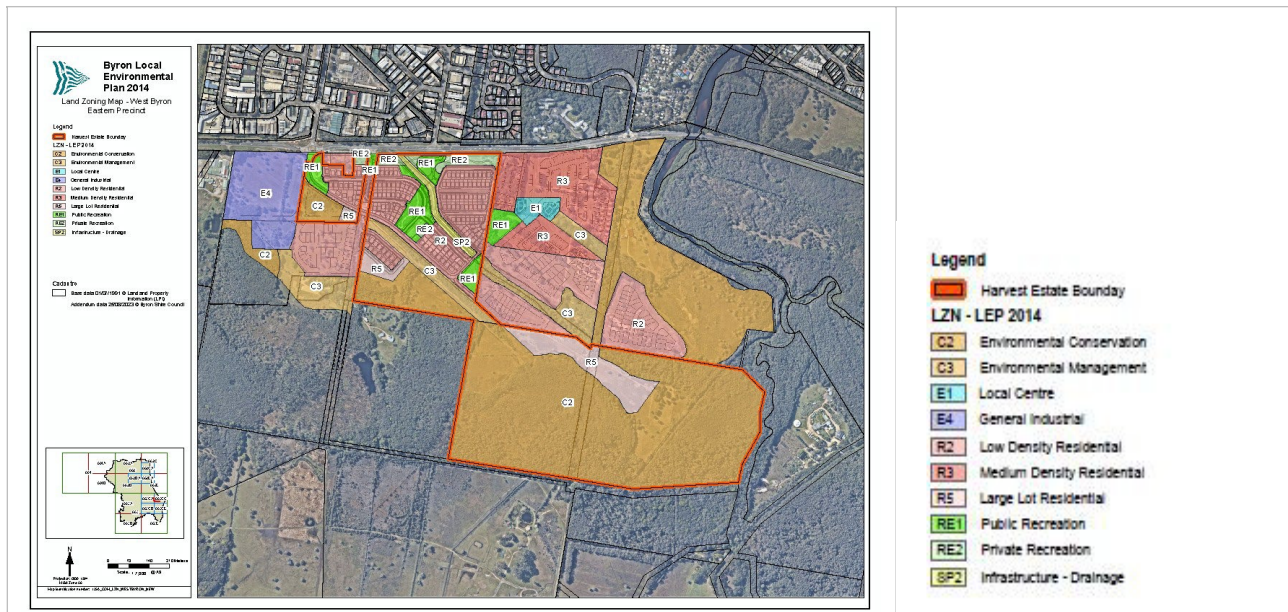


Figure 2: Proposed zoning (source: planning proposal)

The proposed Land Zone Map is to be amended prior to exhibition to exclude areas of Lots 227 and 229 DP 755695 where the Byron LEP 2014 Land Zone Map currently applies. The Harvest Estate boundary should be removed from the land zoning map as it is not relevant. A condition to this effect will be included in the Gateway determination.

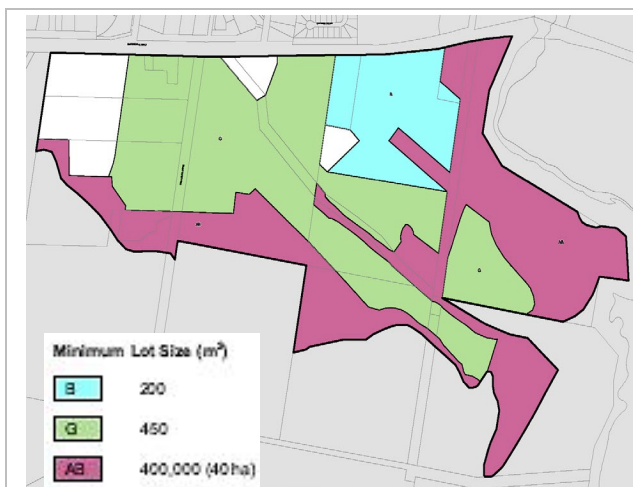


Figure 3: Existing lot size (source: BLEP 1988)

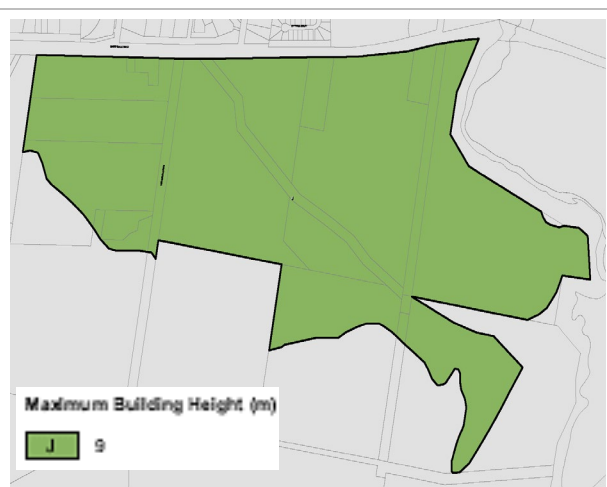


Figure 4: Existing building heights (source: BLEP 1988)

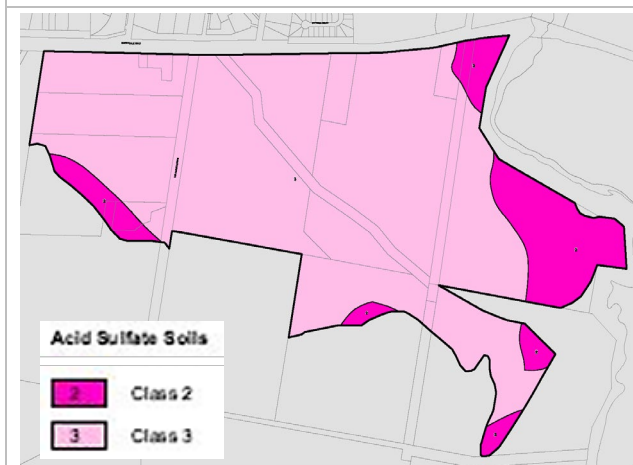


Figure 5: Acid sulfate soils (source: BLEP 1988)

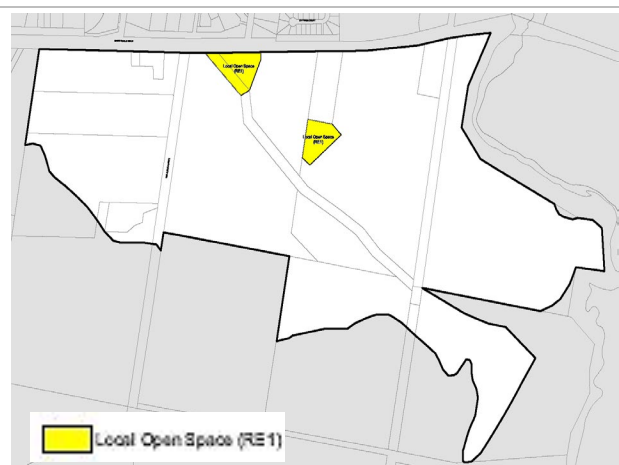


Figure 6: Land reservation acquisition (source: BLEP 1988)

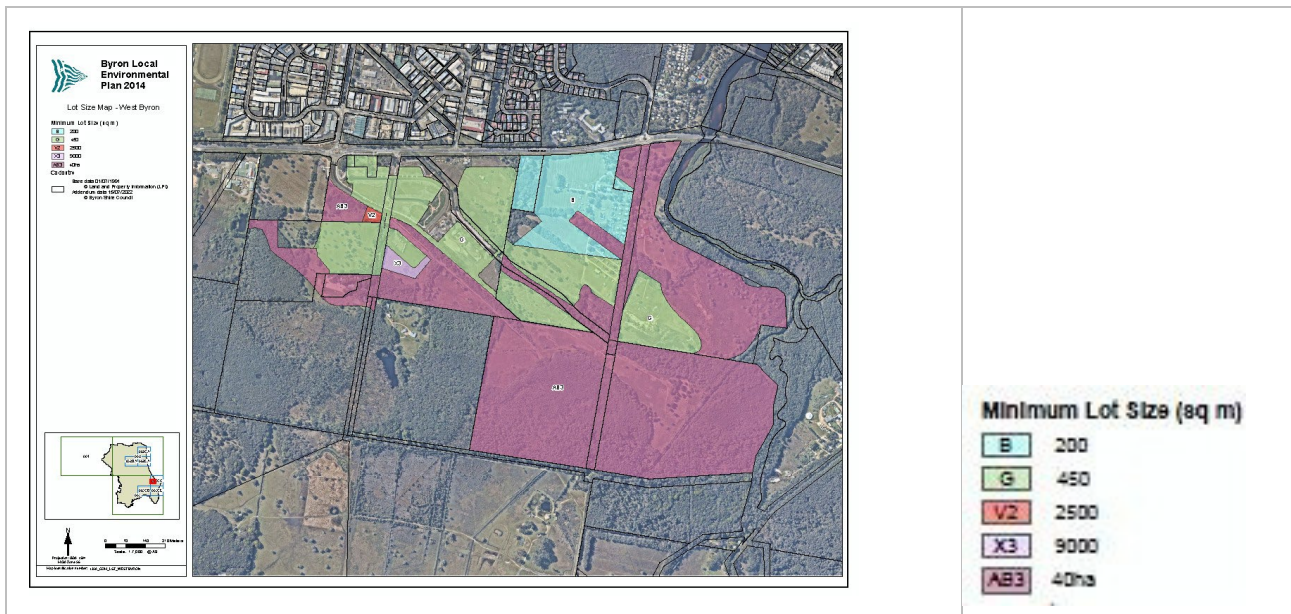


Figure 7: Proposed minimum lot size (source: planning proposal)

The proposed Lot Size Map is to be amended prior to exhibition to exclude areas of Lots 227 and 229 DP 755695 where the Byron LEP 2014 Lot Size Map currently applies. A condition to this effect will be included in the Gateway determination.

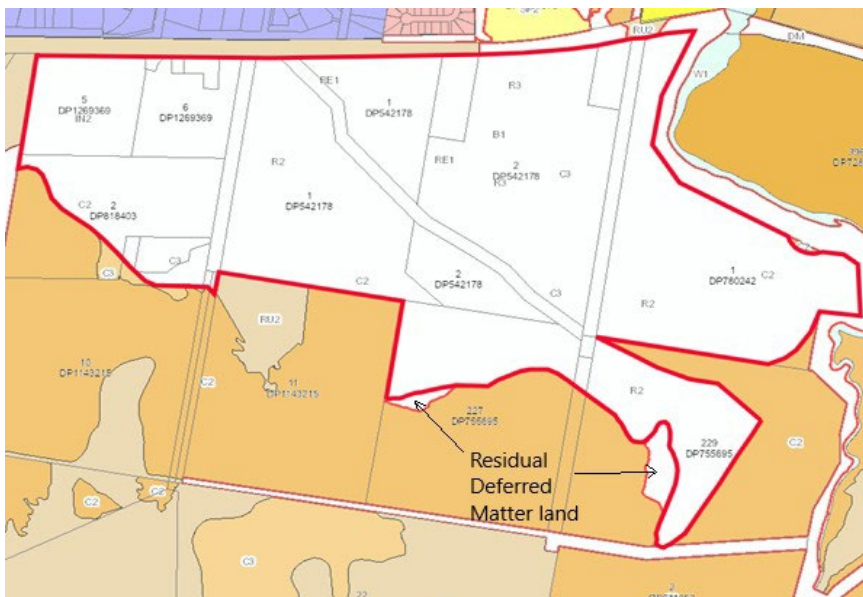


Figure 8: Residual Deferred Matter land within Lots 227 and 229 DP 755695 (source: DPHI Northern spatial viewer)

The explanation of provisions should be updated prior to agency and community consultation to clearly identify the full suite of amendments required to the Byron LEP 2014 and delete reference to the self-repealing savings provision.

Also, reference to clause 4.1C in Table 1 should be corrected to clause 4.1E and reference made to Appendix 2, which Council has confirmed was not submitted with the proposal and not considered necessary, should be deleted.

It is recommended that suitable conditions in relation to this matter be included in the Gateway determination.

1.4 Site description and surrounding area

The West Byron Bay urban release area contains approximately 108 hectares comprising 19 properties and road reserve, located 2.5km west of Byron Bay town centre on the southern side of Ewingsdale Road, and west of Belongil Creek (**Figures 9 and 10**).

The site is generally flat and contains a number of farm sheds and associated structures, along with several dwellings. The Belongil Fields Caravan Park is located on the central portion of the site and a large, constructed drain runs diagonally through the site extending from the northwest to the southeast draining to Belongil Creek. Vehicular access is via Ewingsdale Road.

The properties within the site comprise as follows:

Property description	Street address
Part of Lot 2 DP 818403	Melaleuca Drive
Lot 6 DP 1269369	22A Melaleuca Drive
Lot 5 DP 1269369	22B Melaleuca Drive
Lot 2 DP 878549	46 Melaleuca Drive
Part of Lot 10 DP 1143215	50 Melaleuca Drive
Part of Lot 1 DP 1237582	50 Melaleuca Drive
Part of Lot 2 DP 1237582	53 Melaleuca Drive
Lot 7020 DP 1113431	Ewingsdale Road
Part of Lot 1 DP 111821	Ewingsdale Road
Part of Lot 229 DP 755695	Ewingsdale Road
Lot 2 DP 551947	300 Ewingsdale Road
Lot 3 DP 551947	310 Ewingsdale Road
Lot 1 DP 542178	342 Ewingsdale Road
Lot 1 DP 1166535	342 Ewingsdale Road
Part of Lot 227 DP 755695	342 Ewingsdale Road
Lot 1 DP 520063	364 Ewingsdale Road
Lot 1 DP 201626	394 Ewingsdale Road
Lot 2 DP 542178	394 Ewingsdale Road
Part of Lot 1 DP 780242	412 Ewingsdale Road

The list of properties in Part 1 of the planning proposal should be updated prior to exhibition to include Lot 1 DP 201626 which has been accidentally not included, refer to parts of lots where applicable, and identify street addresses. A condition to this effect is included in the Gateway determination.

The site is mapped as containing potential high environmental value land (**Figure 11**), is identified on the Biodiversity Values Map (**Figures 12**), and impacted by flood (**Figure 13**), bushfire (**Figure 14**) and Class 2 and 3 acid sulfate soils (**Figure 5**). The site is also mapped as containing coastal wetlands and proximity area (**Figure 15**) and partly falls within the Coastal Environment Area and Coastal Use Area maps (**Figure 16**) under State Environmental Planning Policy (Resilience and Hazards) 2021.

To the north of Ewingsdale Road is the Sunrise Beach residential area and the Arts and Industry Estate. The western boundary of the site adjoins a former poultry processing facility and to the east and south is mapped coastal wetland.

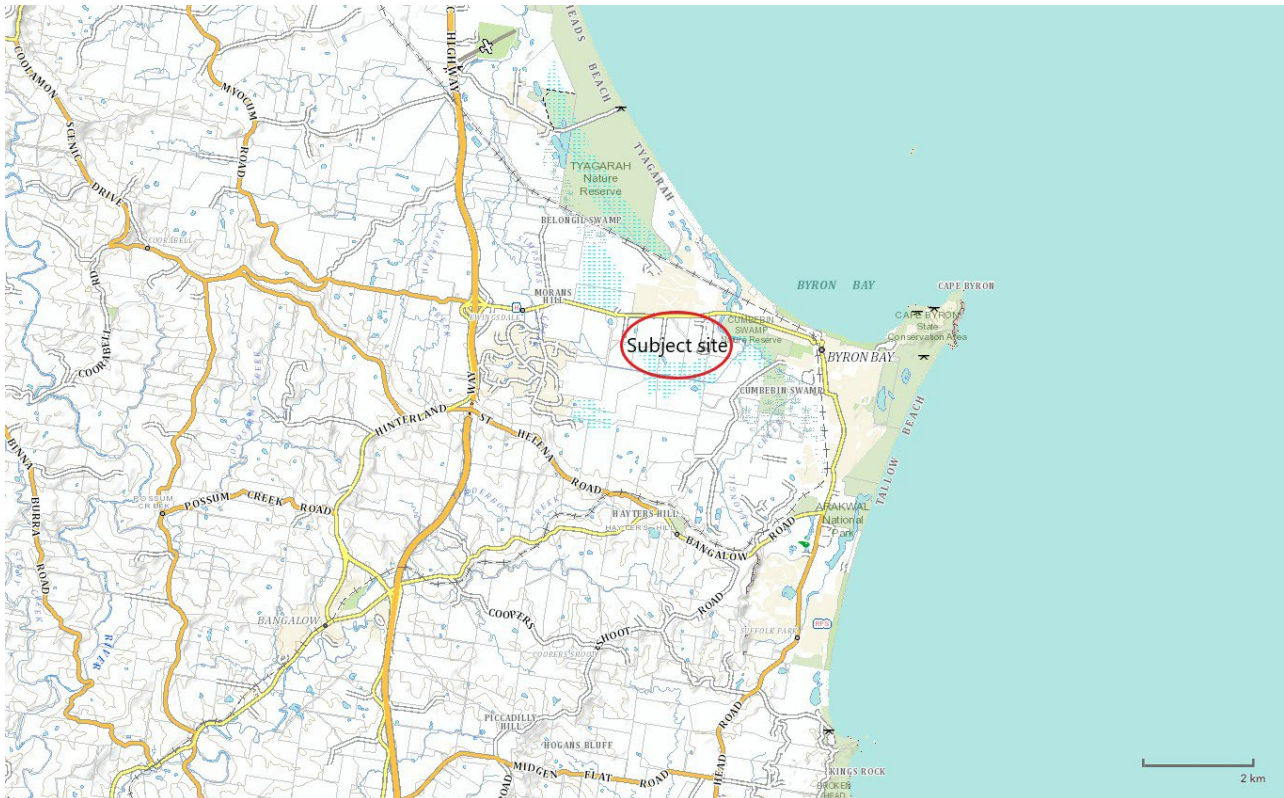


Figure 9: Locality plan (source: DPHI Land iQ spatial viewer)



Figure 10: Subject site (source: DPHI Northern spatial viewer)



Figure 11: Potential HEV (source: DPHI Northern spatial viewer)

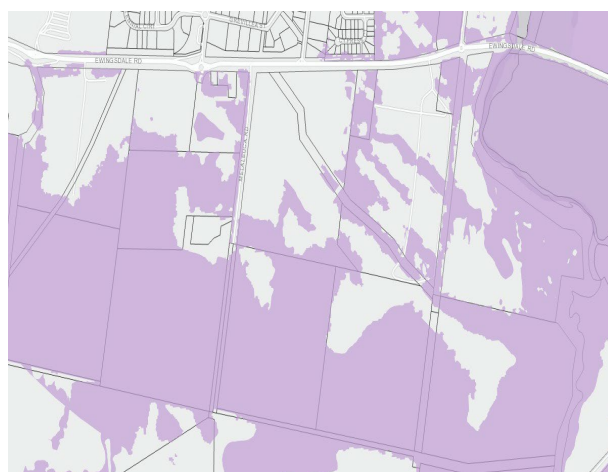


Figure 12: Biodiversity Values Map (source: DPH ePlanning spatial viewer)

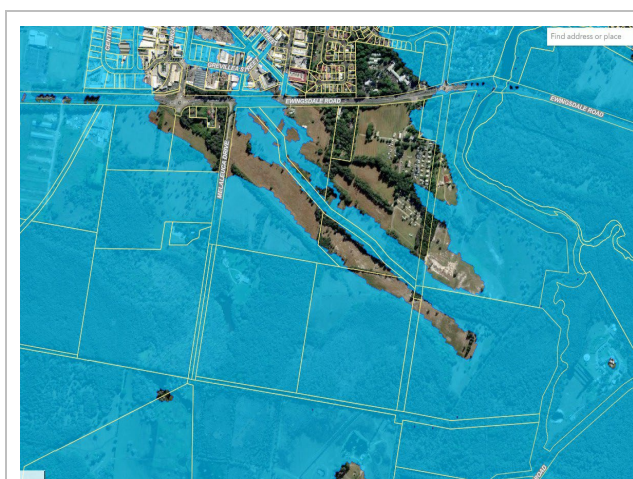


Figure 13: Land susceptible to flooding by PMF event
(source: Byron Shire Council web map)

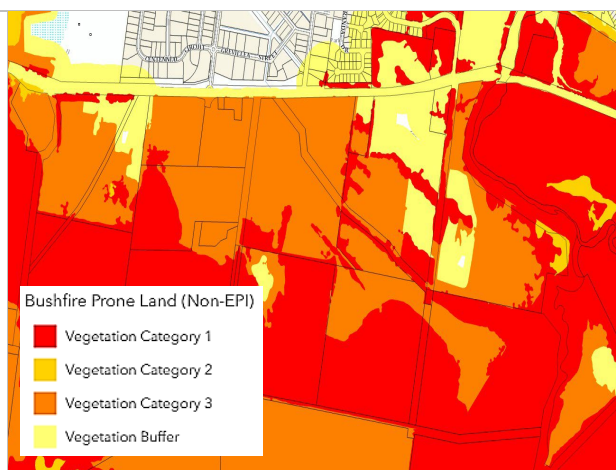


Figure 14: Bushfire prone land (source: DPHI ePlanning spatial viewer)

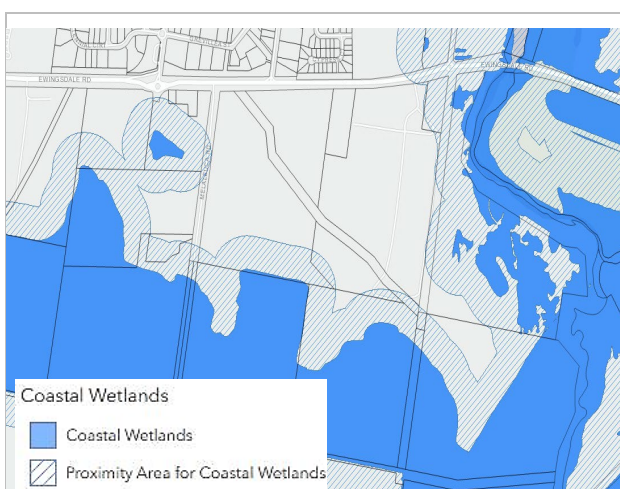


Figure 15: Coastal wetlands and proximity area (source: DPHI ePlanning spatial viewer)

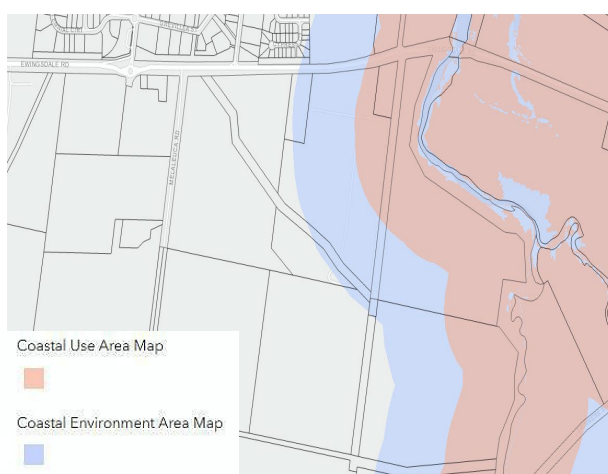


Figure 16: Coastal environment area and coastal use area (source: DPHI ePlanning spatial viewer)

1.5 Mapping

The planning proposal includes mapping to show the existing zoning under Byron LEP 1988 and proposed Land Zone and Lot Size maps under Byron LEP 2014. As previously noted, these maps will need to be amended prior to agency and community consultation to exclude areas where the Byron LEP 2014 already applies. The LEP 1988 Height of Buildings and Acid Sulfate Soils maps are also included.

To help inform the community it is considered appropriate that additional mapping be included to show all relevant 1988 LEP Maps and proposed corresponding LEP 2014 maps. A condition to this effect will be included on 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 the amendment.

1.6 Background

In October 2009, the West Byron URA was identified as a potential State Significant Site due to its identification in the *Far North Coast Regional Strategy 2006* as a future urban release area and its potential to contribute towards the delivery of regional housing and employment targets.

Between 2011 and 2014, the Department prepared a draft State Environment Planning Policy (SEPP), draft voluntary planning agreement and draft development control plan.

Following exhibition of the draft documents and review of all public submissions, the URA was rezoned in November 2014. The provisions under the site-specific SEPP were incorporated into Part 4 of the Byron LEP 1988 due to uncertainty over the timing for the completion of the Byron LEP 2014. The zones and land use tables incorporated into LEP 1988 however reflected the Standard Instrument LEP format and are similar to the land use tables that were adopted under the Byron LEP 2014.

In March 2019, Council considered an alternate zoning plan for the West Byron URA involving a significant reduction to residential areas and increase to environmental areas.

At the time, two separate development applications (DAs) that applied to the majority of the Byron Urban Release Area (URA) were also being assessed by Council for determination by the Northern Joint Regional Planning Panel (JRPP) as follows:

- *Site R & D Pty Ltd - DA 2017/201 (Planning Panel Reference 2017NTH013)* - subdivision of nine lots into 290 residential lots. The DA was refused by the Northern JRPP on 8 April 2019; and
- *Harvest Estate - DA 2017/661 (Planning Panel Reference 2018NTH007)* - staged subdivision of six lots into 186 lots, comprising 163 residential allotments, 14 master lots, two business lots, two industrial lots, one recreational lot and four residue lots. The DA was refused by the Northern JRPP on 4 February 2019.

The proponents subsequently lodged separate appeals against the refusals with the Land and Environment Court with rulings as follows:

- *Site R & D Pty Ltd v Byron Shire Council (2022)* the appeal was upheld and DA approval issued by the Land and Environment Court in a merits appeal decision handed down on 8 March 2022.
- *Harvest Estate, Villa World Byron Pty Ltd v Byron Shire Council (2020)*, the Court upheld the appeal and granted consent to an amended DA subject to conditions on 8 December 2020.

2 Need for the planning proposal

The planning proposal is not a result of an approved local strategy, study, or report. The proposal has been initiated by Council to reflect the development approvals issued by the Land and Environment Court for the West Byron URA.

The proposal seeks only to transition the West Byron provisions from the Byron LEP 1988 into the Byron LEP 2014. No significant policy changes are proposed. This is considered appropriate.

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 consistent with the goals, objectives and overall intent of the North Coast Regional Plan 2041.

3.2 Local

The proposal notes that it is consistent with Byron Shire Local Strategy Planning Statement 2020 in ensuring that Council's 1988 and 2014 LEPs remain current and responsive to community and development industry needs, which 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
1.4 Site Specific Provisions	Justifiably inconsistent	<p>The proposal is inconsistent with this direction as it seeks to transition site-specific provisions for the West Byron URA to retain higher density requirements for dual occupancy and integrated housing.</p> <p>This inconsistency is considered to be of minor significance as these provisions reflect existing permitted densities in the URA and encourage opportunities for greater housing density and diversity, consistent with the housing objectives of the North Coast Regional Plan 2041.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
3.1 Conservation Zones	Justifiably inconsistent	<p>The proposal is inconsistent with this direction as part of the land is proposed to be rezoned from C2 Environmental Conservation to C3 Environmental Management and R5 Large Lot Residential.</p> <p>This inconsistency is considered to be of minor significance as these changes affect only a small portion of the site to reflect the primary use of the land and or to correct a zoning anomaly, and any reduction in environmental standards is negligible.</p>
4.1 Flooding	Justifiably inconsistent	<p>The proposal is inconsistent with this direction as the site is mapped as flood prone land 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 increased development potential and aligns with existing development approvals issued by the Land and Environment Court. Any potential flood issues associated with future development can also be appropriately addressed at the DA stage for any of the other lands with the West Byron URA.</p>
4.2 Coastal Management	Justifiably inconsistent	<p>The proposal is inconsistent with this direction as part of the site is mapped as 'coastal environment area' and 'coastal use area' under SEPP (Resilience and Hazards) 2021 and the planning proposal 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 increased development potential and only reflects existing development approvals issued by the Land and Environment Court.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
4.3 Planning for Bushfire Protection	Unresolved	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. Until this consultation has occurred, and a written response received, the inconsistency of the proposal with this direction remains unresolved.
5.2 Reserving Land for Public Purposes	Justifiably inconsistent	The proposal is inconsistent with this direction as it alters existing RE1 zoning of land for public purposes (adjacent to Ewingsdale Road) without the approval of the relevant public authority and the Planning Secretary. This inconsistency is considered to be of minor significance as the zone changes only reflect the outcomes of the development approvals and reflect the future nature for this area of the site and there will be an overall increase in future public open space.
6.1 Residential Zones	Justifiably inconsistent	<p>The proposal is inconsistent with this direction as it seeks to rezone certain land within the site from R2 Low Density Residential to partly C2 Environmental Conservation, C3 Environmental Management, R5 Large Lot Residential, RE1 Public Recreation, RE2 Private Recreation, and SP2 Infrastructure Drainage zones and amend the minimum lot sizes.</p> <p>This inconsistency is considered to be of minor significance as the zone and lot changes do not substantially reduce any potential residential densities in the URA as they are consistent with the Land and Environment Court development approvals including the area proposed as R5 Large Lot Residential with each lot only to have a dwelling house or dual occupancy.</p>

3.4 State environmental planning policies (SEPPs)

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

4 Site-specific assessment

4.1 Environmental

The proposal is not expected to have any significant environmental impacts. The zoning configuration is based on the physical characteristics and constraints of the land and any constraints to future development for the majority of the site, such as high environmental values, acid sulfate soils, flooding, bushfire, land contamination, and the like, have already been addressed in the Land and Environment Court development approvals. Furthermore, any future development proposals can be staged and controlled through existing provisions of Byron LEP

2014 and Council's Development Control Plan 2014.

4.2 Social and economic

The planning proposal involves minor housekeeping amendments 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 this planning proposal.

5 Consultation

5.1 Community

Council does not specify a community consultation period.

A period of 20 working days is considered appropriate consistent with the Department's LEP Making Guidelines (August 2023) for a standard LEP and forms part of the conditions of the Gateway determination.

5.2 Agencies

It is recommended the NSW Rural Fire Services be consulted on the planning proposal and given 30 working days to comment.

6 Timeframe

Council proposes a 9 month time frame to complete the LEP.

This aligns with the LEP Making Guideline (August 2023) maximum benchmark timeframes for a standard planning proposal and advice to this effect is recommended in the Gateway determination.

It is recommended that if the Gateway is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

7 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 this proposal.

8 Assessment summary

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

- the proposal is generally consistent, or justifiably inconsistent with the State, regional and local planning framework;
- the proposal is largely consistent with relevant section 9.1 Directions and SEPPs; and
- the proposal comprises minor housekeeping amendments.

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

- delete reference to the proposed self-repealing savings provision;
- add Lot 1 DP 201626 to the list of properties in Part 1 and refer to parts of lots where applicable and street addresses;
- revise Part 2 to clearly identify the full suite of amendments required to the Byron LEP 2014 and delete reference to Appendix 2;
- correct the text in Table 1 to delete reference to clause 4.1C;
- amend the proposed Land Zone and Lot Size maps to exclude areas of Lots 227 and 229 DP 755695 where the Byron LEP 2014 already applies;
- remove the Harvest Estate boundary from the proposed land zoning map;
- include all relevant Byron LEP 1988 Maps and corresponding proposed Byron LEP 2014 maps;
- include an updated Land Reservation Acquisition Map and confirm any associated changes to clause 5.1 of the Byron LEP 2014;
- transition the West Byron Urban Release Area Map and include all existing urban release area clauses under Division 3 Urban release area of the Byron LEP 1988 to the Byron LEP 2014;
- ensure all proposed LEP maps align with the proposed zone footprint so as to incorporate residual Deferred Matter areas within Lots 227 and 229 DP 755695;
- revise the proposed amendment to Byron LEP clause 4.1E to include the existing provisions for multi dwelling housing in the R3 Medium Density Residential zone; and
- include an equivalent provision to Byron LEP 1988 clause 83(A) *Boundary adjustments between lots in Zones E2 and E3* in Byron LEP 2014 as either an amendment to clause 4.1C or a separate provision.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 1.4 Site Specific Provisions, 3.1 Conservation Zones, 4.1 Flooding, 4.2 Coastal Management, 5.2 Reserving Land for Public Purposes, and 6.1 Residential Zones are minor or justified; and
- Note that the consistency with section 9.1 Direction 4.3 Planning for Bushfire Protection is unresolved and will require justification.

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

The following conditions are recommended to be included on the Gateway determination:

1. Prior to agency and community consultation, the planning proposal is to be updated to:

- delete reference to the proposed self-repealing savings provision;
- add Lot 1 DP 201626 to the list of properties in Part 1 and refer to parts of lots where applicable and street addresses;
- revise Part 2 to clearly identify the full suite of amendments required to the Byron LEP 2014 and delete reference to Appendix 2;
- correct the text in Table 1 to delete reference to clause 4.1C;
- amend the proposed Land Zone and Lot Size maps to exclude areas of Lots 227 and 229 DP 755695 where the Byron LEP 2014 already applies;
- remove the Harvest Estate boundary from the proposed land zoning map;

- include all relevant Byron LEP 1988 Maps and corresponding proposed Byron LEP 2014 maps;
- include an updated Land Reservation Acquisition Map and confirm any associated changes to clause 5.1 of the Byron LEP 2014;
- transition the West Byron Urban Release Area Map and include all existing urban release area clauses under Division 3 Urban release area of the Byron LEP 1988 to the Byron LEP 2014;
- ensure all proposed LEP maps align with the proposed zone footprint so as to incorporate residual Deferred Matter areas within Lots 227 and 229 DP 755695;
- revise the proposed amendment to Byron LEP clause 4.1E to include the existing provisions for multi dwelling housing in the R3 Medium Density Residential zone; and
- include an equivalent provision to Byron LEP 1988 clause 83(A) *Boundary adjustments between lots in Zones E2 and E3* in Byron LEP 2014 as either an amendment to clause 4.1C or a separate provision.

2. Consultation is required with the following public authorities:

- NSW Rural Fire Service

3. The planning proposal should be made available for community consultation for a minimum of 20 working days.

Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that the LEP be completion within 9 months of the date of the Gateway determination.



9/2/24

_____(Signature)

_____(Date)

Craig Diss

Manager, Local and Regional Planning



26/2/2024

_____(Signature)

_____(Date)

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