

Byron Shire Council

Planning Proposal 26.2025.4.1

Housekeeping Amendments to Byron Local Environmental Plan (LEP) 2014

Exhibition Version

**Date: December 2025
#E2025/130326**



**BYRON
SHIRE
COUNCIL**

Document History

Doc No.	Date	Details Comments eg Resolution No.
E2025/92318	August 2025	Planning Proposal; General Housekeeping Amendments to Byron Local Environmental Plans 2014 – Gateway version
E2025/137101	December 2025	Planning Proposal: General Housekeeping Amendments to Byron Local Environmental Plans 2014 – Public exhibition version amended following Gateway

Contents

Part 1	Introduction	3
1.1	Objective and intended outcomes.....	3
1.2	Background	3
Part 2	Explanation of provisions	4
Part 3	Justification	21
Section A	Need for the planning proposal	21
Section B	Relationship to strategic planning framework	21
Section C	Environmental, social and economic impact.....	39
Section D	Infrastructure.....	39
Section E	State and Commonwealth Interests.....	40
Part 4	Mapping.....	40
Part 5	Community consultation.....	40
Part 6	Project timeline	41
Conclusion		41
Appendix 1		42
Appendix 2		52

Part 1 Introduction

1.1 Objective and intended outcomes

This planning proposal seeks to make several minor amendments to Byron Local Environmental Plan 2014.

The objective of the housekeeping amendment is to correct minor anomalies and inconsistencies in the Byron LEP 2014, and to make other minor changes to improve clarity and ensure consistency with relevant resolutions of Council.

The intended outcome is to create a Byron LEP 2014 that is clear, up-to-date and fit for purpose.

The amendments include policy and mapping changes with details of each amendment presented in Part 2, Appendix 1 and Appendix 2.

1.2 Background

At the 14 August 2025 Planning Meeting, a report was presented to Council detailing 21 policy amendments and 14 mapping amendments proposed to be included in a planning proposal of housekeeping amendments to the Byron LEP 2014, with staff seeking delegation to develop the planning proposal and submit it to the NSW Department of Planning, Housing and Infrastructure (DPHI) for Gateway determination.

Council resolved ([25-321](#)) to prepare the planning proposal of housekeeping amendments and submit to DPHI for Gateway, following the removal of one policy-related amendment and one mapping-related amendment.

The housekeeping planning proposal now contains 33 LEP amendments – 20 policy-related and 13 mapping-related.

Part 2 Explanation of provisions

There are 33 items presented within this planning proposal, including 20 amendments that make changes to LEP text (and may also amend mapping), and 13 amendments that are mapping-only. The amendments are presented in the below tables.

The proposed drafting of each amendment is contained within **Appendix 1**, where relevant, and mapping is provided in **Appendix 2**, where relevant. The drafting will be subject to review by Parliamentary Counsel and may change.

Table 1: Policy amendments

Item # / Title	Amendment	Rationale
1 – Amend Schedule 5 heritage item I131	Change property description as indicated in Appendix 1 .	The heritage item does not cover the entirety of the lot and following a boundary adjustment the lot and deposited plan (DP) have changed.
2 – Amend Schedule 5 heritage items I158 & I159	Change address and property description as indicated in Appendix 1 .	Subdivision of the heritage items' lots have altered the addresses and property descriptions.
3 – Add 35 Lomandra Lane, Mullumbimby as heritage item I196	Amend heritage map and Schedule 5 of LEP 2014 to introduce item 1196 for Part Lot 86, DP 755722, as detailed in Appendix 1 and 2 .	A request was made by the landowner to add an historic timber cottage as a heritage item. The addition is supported by a heritage assessment provided at Appendix 3 .
4 – Amend Schedule 5 heritage item I119	Update property description as indicated in Appendix 1 . Remove 'Lot 2, DP 1295394' from Heritage Map as detailed in Appendix 2 .	A subdivision has amended the property description. The heritage-listed house is located on the recently created 'Lot 1 DP 1295394'. The other allotment does not have heritage attributes and is therefore proposed to be removed from the map.
5 – Add 7 Leslie Street, Bangalow as	Add 7 Leslie Street Bangalow (Lots 12-13, DP 6041) as heritage	Council has resolved (25-123) to add the property as a heritage item. This is supported

Item # / Title	Amendment	Rationale
heritage item I197	item I197 as indicated in Appendix 1. Amend heritage map as indicated in Appendix 2.	by a heritage assessment provided at Appendix 4 .
6 – Amend Schedule 5 heritage item I154	Update address and property descriptions, as indicated in Appendix 1 .	The three lots containing heritage items have been consolidated and subdivided into two lots. As such, address and property descriptions have changed.
7 – Amend Schedule 5 heritage item I160	Update property description as indicated in Appendix 1. Remove ‘Lot 21, DP 1312697’ from Heritage Map as detailed in Appendix 2.	A recent subdivision has led to heritage item I160 residing wholly on one lot, which now has updated property information. The other created lot does not have heritage value and is therefore proposed to be removed from the Heritage Map.
8 – Amend Schedule 5 heritage item I164	Amend property description as indicated in Appendix 1 .	A subdivision has led to the property having an updated property description.
9 – Add 911 Binna Burra Road, Federal as heritage item I198	Add part lot 2 DP 869145 as heritage item I198 as indicated in Appendix 1. Add item to the heritage map as indicated in Appendix 2.	The landowner has supported addition of the farmhouse as a heritage item, which is supported by a heritage assessment provided at Appendix 5 .
10 – Exclude strata subdivision of secondary dwellings from Schedule 2	Amend Schedule 2 – Exempt Development to exclude strata subdivision of secondary dwellings as exempt development.	Under Clause 51 of the State Environmental Planning Policy (Housing) 2021, development consent cannot be granted for the strata subdivision of a lot that would contain a secondary dwelling. To provide clarity to landowners and developers for secondary dwellings approved outside the SEPP, it is proposed that Schedule 2 – Exempt Development of the Byron LEP 2014 is updated to clearly state that a strata

Item # / Title	Amendment	Rationale
		subdivision of secondary dwellings is not permissible.
11 – Amend Clause 4.1B	Amend Clause 4.1B – Minimum subdivision lot size for multiple occupancy or rural community title developments to clarify relationship with Clause 4.1AA and to update outdated references as indicated in Appendix 1 .	For certain zones (including RU1 and RU2 zones), minimum lot size for subdivision under the Community Land Development Act 2021 is controlled through Clause 4.1AA Minimum subdivision lot size for community title schemes. This clause indicates that any lot resulting from subdivision of land to which the clause applies (other than any lot comprising association property within the meaning of the Community Land Development Act 2021) is not to be less than the minimum size shown on the Lot Size Map in relation to that land. The clause is explicit in stating that it applies despite Clause 4.1 Minimum subdivision lot size. Clause 4.1B Minimum subdivision lot size for multiple occupancy or rural community title developments allows for, in certain circumstances, subdivision less than the minimum lot size for the purposes of multiple occupancies or rural community title developments. However, there is no explicit indication that this clause applies despite the provisions of Clause 4.1AA. This may lead to conflict between the provisions of Clause 4.1AA and 4.1B. To resolve this conflict, it is recommended that Clause 4.1B is amended. It is also proposed to update reference to the Community Land Development Act, as the 1989 version has been replaced by the 2021 version. It is finally, proposed to update the title and Clause 1 to remove reference to multiple occupancies, as multiple occupancy refers to multiple dwellings on one lot of land. Once subdivided it is considered a rural community title development.
12 – Amend Clause 4.1B	Amend Clause 4.1B Clause 5 to better define multiple	The Byron LEP 2014 Dictionary does not include a definition for "multiple occupancy". Clause 4.1B(5) states that 'approved multiple occupancy or rural community title means development for the purposes of a multi

Item # / Title	Amendment	Rationale
	occupancies, as detailed in Appendix 1 .	dwelling housing or community scheme (being a subdivision within the meaning of the Community Land Act 1989) and for which development consent has been granted'. The definition could create confusion as it references 'multi dwelling housing', which is a defined land use term in the LEP dictionary, and which is prohibited in rural zones. Many other local government areas do not have a specific clause relating to multiple occupancies in their LEPs, rather rely on the provisions of State Environmental Planning Policy (Primary Production) 2021 Schedule 5 Rural land sharing communities, which, instead of referencing 'multi dwelling housing', references '3 or more dwellings'. To minimise confusion, it is proposed to align definitions with the wording in SEPP (Primary Production) 2021.
13 – Amend Clause 4.1E Minimum lot sizes for certain residential accommodation	Update table in Clause 4.1E to introduce controls for semi-detached dwelling development, as indicated in Appendix 1 .	Semi-detached dwellings are permitted with consent in the R3 zone in the Byron LEP 2014. Following updates to the State Environmental Planning Policy (Housing) 2021 in 2025, they are now also permitted with consent in the R2 zone. However, semi-detached dwellings are not included in Clause 4.1E. It is proposed to update Clause 4.1E to include semi-detached dwellings, using the minimum lot size applicable to dual occupancy (attached) development.
14 – Amend Clause 4.2A – Erection of dwelling houses and dual occupancies on land in certain rural and conservation zones	Remove reference to Clause 4.1C(3) in Clause 4.2A(3)(b), as detailed in Appendix 1 .	Clause 4.2A determines if an allotment in rural or conservation zones has a dwelling entitlement. Subclause 4.2A(3) provides dwelling entitlement criteria for an allotment. Under Clause (3)(b), development consent must not be granted for the erection of a dwelling house or a dual occupancy on land to which this clause applies unless the land is a lot created under this Plan, other than under Clause 4.1C(3) or 4.2(3). It is proposed that reference to Clause 4.1C(3) is removed. Clause 4.1C(3) provides boundary adjustment criteria that expressly prohibits the creation of additional dwelling entitlements during the adjustment. There is

Item # / Title	Amendment	Rationale
		no need to reference clause 4.1C(3) in clause 4.2A(3)(b), otherwise it could be construed that lots with a dwelling entitlement may no longer have that entitlement following a boundary adjustment. This is an unintended negative consequence, and thus it is proposed to remove reference to 4.1C(3) in subclause 4.2A(3)(b) of Clause 4.2A.
15 – Amend Clause 4.2A – Erection of dwelling houses and dual occupancies on land in certain rural and conservation zones	Amend Clause 4.2A(3)(e) to provide clarity on dwelling entitlements following lot consolidation and land acquisition and subdivision for public purposes, as indicated in Appendix 1.	In the case of land acquired for public purposes, such as Pacific Highway/Motorway upgrades, in certain instances a subdivision that creates an acquisition lot also creates a residual lot that is not acquired. In many cases the original parent lot/s shared only one dwelling entitlement. A clarification is required so that in rural zones an acquisition lot may only have a dwelling entitlement where there is no residual non-acquisition lot created that already has a lawfully erected dwelling. Clause 4.2A(3) is proposed to be amended to clarify that for existing lots with a dwelling entitlement that have been subdivided for a public road, that there is still only one dwelling entitlement. This approach is consistent with the objectives of the Ministerial Direction 9.4 Farmland of State and Regional Significance and the North Coast Regional Plan 2041 Strategy 8.1: "Local planning should protect and maintain agricultural productive capacity in the region by directing urban, rural residential and other incompatible development away from important farmland." Additionally, where a lot that contains a dwelling entitlement is consolidated with another lot, Clause 4.2A(3) as currently worded may result in the loss of a dwelling entitlement, if the resulting lot is under the minimum lot size. It is proposed to add an additional part at 4.2(A)(3)(e)(iv) to indicate that a dwelling entitlement would remain where a lot that has an existing dwelling entitlement is consolidated with a lot that does not have a dwelling entitlement.

Item # / Title	Amendment	Rationale
16 – Amend title of Clause 4.2B	Change title of 'Maximum number of dwelling houses or dual occupancies on multiple occupancy or rural landsharing community developments' as indicated in Appendix 1 .	Clause 4.2B's title includes reference to 'rural landsharing community developments', however no such definition exists in the Byron LEP 2014. It is proposed to instead reference 'rural community title developments'.
17 – Amend Clause 4.2D	Amend Clause 4.2D – Erection of dual occupancies (detached) and secondary dwellings in Zones RU1 and RU2 to remove requirement for single driveway access to dual occupancies, as indicated in Appendix 1 .	Clause 4.2D of the Byron LEP states that development consent must not be granted to the erection of dual occupancies (detached) or secondary dwellings in RU1 and RU2 zones unless the consent authority is satisfied that each dwelling will use the same vehicular access to and from a public road (4.2D(2)(b)). Following the removal of a requirement to situate detached dual occupancies in RU1 and RU2 zones within 100m of one another, there are instances where a single driveway access does not provide a good planning outcome. It is considered that Council can ensure good planning outcomes through other parts of Clause 4.2D and through relevant development control plan (DCP) chapters. Council has previously resolved to repeal 4.2D(2)(b) as a housekeeping amendment.
18 – Remove roadside stalls from Schedule 2 Exempt Development	Amend Schedule 2 Exempt Development to remove section on 'roadside stalls' as indicated in Appendix 1 .	Roadside stalls are exempt development under the Byron LEP 2014. However, following the NSW Government's agritourism reforms, roadside stalls are now exempt development under SEPP (Exempt and Complying Development Codes) with development standards that differ to Byron's. In accordance with Section 1.9 of the SEPP, the LEP roadside stall provisions no longer apply. It is proposed that roadside stalls are removed from Schedule 2 of the LEP to eliminate any confusion.

Item # / Title	Amendment	Rationale
19 – Update land use tables to improve consistency with zone objectives and address anomalies	Prohibit hostels in the RU2 Rural Landscape zone.	Hostels are proposed to be prohibited in the RU2 Rural Landscape zone as they are premises that are generally staffed by social workers or support providers. Due to the high needs of inhabitants, these facilities require good access to services. The RU2 Rural Landscape zone is therefore not considered appropriate.
	Prohibit attached dwellings, hostels, serviced apartments and vehicle hire or sale premises in the RU5 Village zone.	Attached dwellings refer to three or more dwellings on separate lots attached by a common wall. It is a medium-density built form similar to attached multi-dwelling housing. Attached dwellings are currently permitted with consent in the RU5 zone, while multi-dwelling housing is prohibited. The RU5 zone is not considered appropriate for this intensity of development, as these areas (apart from Billinudgel) are unserviced. As indicated above, hostels generally service a vulnerable section of the community that require access to services typically not available in rural or village settings. The built form of serviced apartments is not appropriate for village areas, which are generally unserviced. It is a similar built form to hotel and motel accommodation, which is prohibited. Vehicle hire and sale premises are not in keeping with the village character of any Byron Shire village area and the generally small lot size of village areas does not lend itself to being appropriate for such a use
	Make flood mitigation works permitted with consent rather than permitted without consent in the R1 General Residential zone.	The R1 General Residential zone has 'flood mitigation works' as permitted without consent, meaning a development application does not need to be lodged. Chapter 2 Division 7 of SEPP (Transport and Infrastructure) 2021 enables development without consent for flood mitigation works carried out by or on behalf of a public authority. It is not considered necessary or appropriate for flood mitigation works to be development without consent for private entities. Moving 'flood mitigation works' to 'permitted with consent' in the land use table

Item # / Title	Amendment	Rationale
		will make it consistent with other residential zones and ensure oversight of flood mitigation works conducted by private entities, which is appropriate considering the potential for off-site impacts.
	Permit with consent 'early education and care facilities' and 'business identification signage' in R1 General Residential zone.	'Early education and care facilities' are permitted with consent in all of Council's residential zones except for R1 General Residential. It is proposed to amend the R1 land use table to make 'early education and care facilities' permitted with consent to ensure consistency between residential zones. 'Business identification signage' is permissible in all residential zones except for R1. Permitting this use improves consistency between residential zones.
	Prohibit 'rural workers' dwellings', 'biosolids treatment facilities', 'sewage treatment plants' and 'water recycling facilities' in the R1 General Residential zone.	Rural workers' dwellings are not an appropriate type of development for a general residential zone. The definition of rural workers' dwellings indicates the dwellings are for those employed 'for the purpose of agriculture or a rural industry on that land', however agriculture and rural industries are prohibited in the R1 zone. The R2, R3 and R5 residential zones allow for the parent term 'sewerage systems' as permitted with consent, while prohibiting child terms 'biosolids treatment facilities', 'sewage treatment plants' and 'water recycling facilities'. The R1 zone currently permits all these uses with consent. It is proposed to align the R1 zone with other residential zones by prohibiting 'biosolids treatment facilities', 'sewage treatment plants' and 'water recycling facilities', which are not uses compatible with urban residential areas.
	Permit with consent 'creative industries' in the E1 Local Centre zone.	The term 'creative industries' was introduced in late 2021, however as a subset of 'light industry' was automatically prohibited in Byron's E1 Local Centre zone. It is, however, considered that uses such as artists' studios are compatible with the E1 zone objectives and should be permitted with consent.

Item # / Title	Amendment	Rationale
	Make 'home occupations' permitted without consent rather than permitted with consent in the MU1 Mixed Use zone.	All zones where dwelling houses are permitted, except the MU1 zone, allow for home occupations as permitted without consent. It is not considered necessary to require a development application for such development.
20 – Rezone part of Mullumbimby Industrial Estate from E4 General Industrial to RU1 Primary Production.	Rezone E4 General Industrial zoned areas of Lot 48 DP 1232486, Lot 45-47 DP 1232486 and Lot 1 DP 535658 to RU1 Primary Production as indicated in Appendix 2. Provide additional permitted for Lot 1 DP 535658 for 'warehouse or distribution centres', as indicated in Appendix 1.	The landowner of 2 Towers Drive Mullumbimby (Lot 48 DP 1232486) has requested that their E4 General Industrial land (currently vacant) be rezoned to a rural zone based on it being unsuitable for industrial development due to flood risk. The locality is flood prone and most of the land has a high flood hazard during the defined flood event. It is also mapped as a "fill exclusion" area, therefore development potential is limited. The lot has historically been used for grazing and no industrial development has occurred. The surrounding rural land is mostly zoned RU1 Primary Production, therefore it is proposed to rezone the E4 General Industrial areas of the subject lot to RU1. The adjacent Council 'community land' (Lot 45-47 DP 1232486), currently zoned E4, is also proposed to be rezoned to RU1 Primary Production for consistency. Another privately owned lot at 258 Mullumbimby Road (Lot 1 DP 535658) is also proposed to be rezoned to RU1 Primary Production to avoid having an isolated lot of E4 General Industrial land. This 2,000m² site has recently applied for a complying development certificate for a 'warehouse'. It is proposed that an additional permitted use is added to Schedule 1 of the Byron LEP 2014 for 258 Mullumbimby Road to allow for the term 'warehouse or distribution centres'. This will avoid any future issues regarding existing use rights.

Table 2: Mapping amendments

Item # / Title	Amendment	Rationale
21 – Amend minimum lot size at 68 Rankin Drive, Bangalow	Update Minimum Lot Size (MLS) map for 68 Rankin Drive (Lot 11 DP 807867 and Lot 261 DP 1262316) so areas zoned RU2 Rural Landscape have an MLS of 4000m², rather than 40 hectares. See Appendix 2 for mapping.	A previous planning proposal for 68 Rankin Drive, Bangalow showed a 4000m² MLS for the most eastern portion land, which was zoned RU2 Rural Landscape. Although this MLS was adopted by Council at the 13 February 2025 Planning Meeting, it was subsequently removed by DPHI on the grounds that it was inconsistent with a Gateway determination condition requiring this area be excluded from the planning proposal due to flood hazard. It is proposed to reinstate the 4000m² MLS for the RU2 area (currently 40ha) as it is of sufficient size (approx. 7500m²) to support a dwelling house with flood-free access up to the Probable Maximum Flood level, subject to a more detailed assessment at the DA stage. In addition, a Preliminary Site Investigation Contamination report by HMC supporting the earlier adopted planning proposal found no record of potentially contaminating activities on the site and that the site is suitable for residential development. As the planning proposal demonstrated that the site is compliant with SEPP (Resilience and Hazards) 2021 and consistent with Ministerial Direction (s.9.1) 4.4 Remediation of Contaminated Land, no further assessment is required for this amendment.
22 – Replace ‘deferred matter’ road reserve at Tyagarah Nature Reserve with zone C1 National Parks and Nature Reserves	Update Land Zoning Map to rezone part of lot 3 DP 820635 from deferred matter to C1 National Parks and Nature Reserves. See Appendix 2 for mapping.	The road reserve adjoining Tyagarah Nature Reserve (formerly lots 1,2 and 3 DP 820635) has been added to the reserve, with National Parks and Wildlife Services providing Council a copy of the NSW Government Gazette confirming this, dated 9 December 2020, provided at Appendix 6. The land is currently deferred matter, zoned 7(a) (Wetlands Zone), 7(b) (Coastal Habitat Zone) and 2(t) (Tourist Area Zone) under the Byron LEP 1988. As the land is now part of Tyagarah Nature Reserve, it is appropriate for this land to be zoned C1 National Parks and Nature Reserve under the Byron LEP 2014.

Item # / Title	Amendment	Rationale
		Lots 1, 2 and part lot 3 DP 820635 are part of the stage 4 C zone planning proposal. This land is in the process of being rezoned to C1 National Parks and Nature Reserve. However, a small section of Lot 3 DP 820635 was omitted in error. As part of this housekeeping planning proposal, it is proposed that the remainder of lot 3 DP 820635 is zoned C1 National Parks and Nature Reserve, as detailed in Appendix 2.
23 – Remove converted multiple occupancies from the Multiple Occupancy and Community Title Map (MO/CT Map)	Remove the following addresses from the MO/CT map: • 226 Fowlers Lane Bangalow (Lots 1 – 11 DP 286828) • 111 Fowlers Lane Bangalow (Lots 1 – 7 DP 271207) • 315 Coorabell Road Coorabell; Crystal Creek Circuit Coorabell (Lots 1 – 16 DP 287027) • 14, 29 and 36 Keys Road, and 8, 22 and 24 Loch Lane, Coorabell (Part Lots 1 & 2, Lots 3-6 DP 287094) • 105 Keys Road Coorabell (Lots 1 – 7 DP 286835) • 3, 4, 9, 10, 11, 12 and 13 Ellie View Eureka (Lots 1 – 7 DP 287016) • 150 Whian Road Eureka (Lots 1 – 5 DP 286964) Mapping provided at Appendix 2.	Clause 4.2B ‘Maximum number of dwelling houses or dual occupancies on multiple occupancy or rural landsharing community developments’ applies to land that is bounded by green on the Multiple Occupancy and Community Title Map. Clause 4.1B allows existing multiple occupancies to undertake community title subdivision less than the minimum lot size, forming neighbourhood lots and at least one lot comprising association property. Once a multiple occupancy site has converted to a community title scheme, there is no need for the site to continue to be identified as a multiple occupancy on the LEP 2014 Multiple Occupancy and Community Title Map (green outline). All indicated properties have all lots registered, aside from 111 Fowlers Lane, which is DA approved but has additional lots yet to be registered.

Item # / Title	Amendment	Rationale
24 – Rezone deferred matter area at 135 Old Bangalow Road to RU2 Rural Landscape	Rezone deferred matter portion of private land at 135 Old Bangalow Road (part lot 100 DP 1278921) from deferred matter to RU2 Rural Landscape, with Height of Buildings and Minimum Lot Size consistent with surrounding RU2 area. Mapping provided at Appendix 2.	Development consent 10.2019.615.1 subdivision and lot consolidation at 135 Old Bangalow Road, created Lot 100 DP 1278921. The lot contains a small area of Zone 5a Special Uses Zone under the Byron LEP 1988 (surplus railway land). The remainder of the lot is zoned RU2 Rural Landscape under the Byron LEP 2014. The land is in private ownership, and the zone 5a portion should be zoned RU2 consistent with the remainder of the lot (see Figure 14). Other development standards proposed to be added to ensure consistency with surrounding RU2 land include: • Height of Buildings (HOB): 9m; • Minimum Lot Size (MLS): 40ha.
25 – Rezone small area of 31 Pinegroves Road Myocum to RU1 Primary Production	Rezone small section of land at 31 Pinegroves Road Myocum (Lot 15 DP 1030574) from RU2 Rural Landscape to RU1 Primary Production, as indicated in Appendix 2.	During Council's C Zone Stage 2 planning proposal, an isolated area of land was incorrectly zoned RU2 Rural Landscape, instead of RU1 Primary Production, consistent with the surrounding land. It is proposed to correct this error by rezoning this RU2 land to RU1.
26 – Rezone deferred matter land at 77 Broken Head Road Suffolk Park to C2 Environmental Conservation	Rezone small section of deferred matter land at 77 Broken Head Road Suffolk Park (Lot 1 DP 1057431) to C2 Environmental Conservation, as indicated in Appendix 2, with associated development standards: • Height of Buildings (HOB): 9m • Minimum Lot Size (MLS): 40ha.	A minor error occurred during Council's C Zone Stage 2 planning proposal, where a small segment of the southern section of the allotment was erroneously left within the Zone 7(b) under the Byron LEP 1988 when the adjacent land in the lot was rezoned C2 Environmental Conservation under the Byron LEP 2014.

Item # / Title	Amendment	Rationale
27 – Rezone portion of Marshalls Creek Billinudgel from W1 Natural Waterways to W2 Recreational Waterways	Rezone portion of Marshalls Creek in Billinudgel from W1 Natural Waterways to W2 Recreational Waterways, as indicated in Appendix 2 .	A portion of Marshalls Creek in Billinudgel appears as zone W1 Natural Waterways in Council's LEP mapping, however historical versions of the map appear as W2 Recreational Waterways, and no rezoning has been undertaken since the 2014 LEP came into effect. It is proposed that an area of the creek is rezoned from W1 Natural Waterways to W2 Recreational Waterways to be consistent with the zoning prior to Council's LEP mapping becoming digitised. This area extends from Marshalls Creek's western zone boundary to where Marshalls Creek becomes part of the Cape Byron Marine Park.
28 – Rezone road reserve at Dudgeons Lane Bangalow to E4 General Industrial	Rezone road reserve at Dudgeons Lane Bangalow to E4 General Industrial. Apply applicable E4 developments standards to area: • Height of Buildings (HOB): 9m • Minimum Lot Size (MLS): 1000m². • Floor Space Ratio (FSR): 0.75:1 See Appendix 2 for mapping.	A road reserve in the Bangalow Industrial Estate is currently zoned RU1 Primary Production, while adjoining land is zoned E4 General Industrial. Interest in the closure and sale of this road has been expressed by adjoining neighbours, however rezoning would need to occur to enable any development. There is no planning reason to keep the road reserve, as Dudgeon's Lane already traverses through the industrial estate to Lismore Road. The Department of Planning, Housing and Infrastructure's Practice Note 10-001 also indicates that roads "should be zoned in accordance with the adjoining land". To ensure consistency with the practice note and to promote the orderly and economic use and development of land, it is proposed that the road reserve is rezoned from RU1 Primary Production to E4 General Industrial. A floor space ratio (FSR) of 0.75:1 currently applies to the E4 General Industrial zoned land at this location. However, a previous planning proposal that rezoned part of the road reserve did not amend FSR controls. It is proposed that FSR controls are applied to the road reserve as well as part lot 8 DP 805144, part lot 1 DP 1077663 and part SP 84845.
29 – Rezone surplus	Rezone Lot 32 DP 858323 Yelgun 2481	A request has been received from Transport for NSW (TfNSW) to rezone two surplus lots

Item # / Title	Amendment	Rationale
Transport for NSW lots	from SP2 Infrastructure to RU1 Primary Production. Rezone Lot 2 DP 1134600 from deferred matter to RU2 Primary Production. See Appendix 2 for mapping.	adjoining TfNSW road infrastructure to the surrounding zone. Lot 32 DP 858323 is zoned SP2. Rezoning to RU1 is rational, as it is the surrounding zone. Lot 2 DP 1134600 is zoned RU2 with the remainder deferred matter areas zoned 9(a) (Proposed Road Zone) under the Byron LEP 1988. Having the lot as one zone instead of two zones under two different LEPs is a practical approach. When TfNSW first made the request, the lot had a small section of SP2 Infrastructure due to a boundary error, which has since been corrected. However, further consultation with TfNSW has confirmed that rezoning from deferred matter to RU2 is supported. Neither lot has a dwelling entitlement.
30 – Amend minimum lot size for R2 zoned land at 139 Bangalow Road Byron Bay	Amend minimum lot size for R2 zoned land at 139 Bangalow Road (part lot 22 DP 549688) Byron Bay as indicated in Appendix 2 .	139 Bangalow Road has a portion of R2 Low Density Residential, as well as C2 Environmental Conservation and Deferred Matter. Part of the R2 land has a minimum lot size (MLS) of 40ha, whereas surrounding R2 zoned land has an MLS of 600m ² . It is proposed to amend the MLS map so that this R2 portion has an MLS of 600m ² .
31 – Rezone portion of C2 Environmental Conservation to RU2 Rural Landscape at 264 Skinners Shoot Road, Skinners Shoot	Rezone portion of C2 Environmental Conservation to RU2 Rural Landscape at 264 Skinners Shoot Road, Skinners Shoot as depicted in Appendix 2 .	264 Skinners Shoot Road was zoned part C2 Environmental Conservation and part RU2 Rural Landscape under stage 2 of Council's C zone review planning proposal. The landowners have since requested that a portion of land zoned C2 be rezoned RU2. A site inspection by Council officers confirmed that the subject area of land does not meet the criteria for C2, and an RU2 zone would be more appropriate (See Appendix 7). As such, it is proposed that this area of land be rezoned to RU2 Rural Landscape.
32 – Update FSR mapping for properties	Apply an FSR of 0.3:1 to 109, 113, 117 and 125 Broken Head Road	An error in Stage 3 of Council's C zone review planning proposal has meant that some properties with R2 Low Density Residential

Item # / Title	Amendment	Rationale
in Suffolk Park	(Lot E DP 406324, SP 91562, Lot C DP 406324 and Lot 1 DP 390052) as well as part of 94 Broken Head Road (part lot 1 DP 408810). Apply FSR of 0.5:1 to road reserve fronting Broken Head Road (Lot 1 DP 390052).	zonings along Broken Head Road in Suffolk Park do not have FSR controls applying to the site. Part of the road reserve that fronts 125 Broken Head Road also does not have an FSR, however the rest of the road reserve has an FSR of 0.5:1. It is proposed to apply an FSR of 0.5:1 for consistency. See Appendix 2.
33 – Rezone deferred matter land belonging to Tweed Byron Local Aboriginal Land Council to R3 Medium Density Residential	Rezone parcels at 54B and 54C Lawson Street, Byron Bay (Lot 10 and 11, DP 1306196), and part of 4 Massinger Street, Byron Bay (Lot 13, DP 1306781) from deferred matter to R3 Medium Density Residential. Apply FSR of 0.8:1 to 54B and 54C Lawson Street and FSR of 0.4:1 to 4 Massinger Street. Apply HOB of 9m. Apply MLS of 4000m² to 54B and 54C Lawson Street and MLS of 600m² to 4 Massinger Street. See Appendix 2.	The request for rezoning is considered minor in nature as it constitutes a logical continuation of the surrounding R3 zone. 54B and 54C Lawson Street are mapped as containing high environmental value vegetation, as is a small part of 4 Massinger Street, which is also mapped as koala habitat subject to Byron Coast Comprehensive Koala Plan of Management. However, it is considered that ecological impacts of any future development can be suitably addressed at the development application stage. In addition to the above, Council has been using 4 Massinger Street as a construction and stockpiling compound for the Sandhills Wetlands Project. While part of it is mapped as high value vegetation, the majority of land is cleared and the small area of vegetation remaining is mostly exotic weeds, with a requirement as part of the Wetlands Project for the weed species to be removed. Regarding consistency with Ministerial Direction (s.9.1) 4.4 Remediation of Contaminated Land, the proposed R3 zone is subject to findings of more detailed contamination assessment prior to adoption by Council. Review of the deferred matter zones remaining on TBLALC's and Joint Emergency Services' land is one of the 'next steps' under the Aboriginal Land Agreements announced by

Item # / Title	Amendment	Rationale
		NSW Government in December 2024, which were reported to Council on 27 February 2025. To support the zoning review process, in 2023 the then NSW Department of Planning and Environment commissioned an Enquiry by Design to identify land use opportunities for the land west of Cowper Street. It supported residential zoning of TBLALC land, and in relation to the three subject lots, noted the opportunities for development on the land facing Lawson Street. The review of other deferred matter TBLALC land in the area will occur through a State-led process but Council can make a contribution to delivering the overall Aboriginal Land outcomes through this housekeeping LEP process for these three lots. In addition, supporting the rezoning request: • advances Byron Community Strategic Plan 2035 (CSP 2035) commitment to partnering with Traditional Owners and building a future based on self-determination, respect, partnership and justice for Aboriginal people • contributes to the CSP 2035 progress indicator related to Aboriginal People's rights and interests in land and sea • progresses Council's Delivery Program 2025-2029 priorities of: ○ Developing strong and productive partnerships that empower Aboriginal community ○ Supporting initiatives that maintain cultural connection to Country and foster opportunities for Aboriginal people to live and work on Country ○ Increasing the economic self-determination of Aboriginal communities • meets Operational Plan 2025-2026 activity 2.3.1.1 to work with Traditional Owners on land management matters • is supported by Council Resolution 23-509 to, among many important things:

Item # / Title	Amendment	Rationale
		○ recognise the inherent right of Aboriginal and Torres Strait Islander People to live on Country, the importance of living on Country to the physical, social and cultural well-being of Aboriginal People and that the housing crisis disproportionately impacts Aboriginal People and makes living on Country even more difficult ○ create opportunities in the Byron Shire for housing on Country; and ○ embed the delivery of Aboriginal-owned housing for Aboriginal people within the actions of Council's residential strategies • contributes, via local action, to NSW Closing the Gap Priority Reforms to: ○ strengthen formal partnerships with Aboriginal People and share decision-making ○ grow and strengthen Aboriginal Community Controlled Organisations to meet the needs of Aboriginal People ○ support some of the 17 Closing the Gap Socio-Economic Outcomes

Part 3 Justification

Section A Need for the planning proposal

Q1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

No. This is a housekeeping planning proposal. The Byron LEP 2014 is periodically reviewed to ensure that planning controls are current and correct.

The amendments proposed relate to both mapping and policy but are not considered large or significant enough to be completed as standalone planning proposals. Combining multiple amendments into a single planning proposal allows the Byron LEP 2014 to be updated more frequently, ensuring it is fit for purpose.

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

Yes. A planning proposal is the only way to amend the Byron LEP 2014.

Section B Relationship to strategic planning framework

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy?

The planning proposal is consistent with the North Coast Regional Plan 2041, which is a 20-year blueprint for the future of the North Coast. The NSW Government's vision for the North Coast is healthy and thriving communities supported by a vibrant and dynamic economy that builds on the region's strengths and natural environment.

The amendments proposed are relatively minor and housekeeping in nature. Reviewing and maintaining the Byron LEP 2014 is considered consistent with the vision of the North Coast Regional Plan.

Q4. Is the planning proposal consistent with a LSPS that has been endorsed by the Planning Secretary or other local strategy or strategic plan?

Byron Shire Local Strategic Planning Statement was endorsed in 2020. Ensuring Byron Local Environmental Plans are current and responsive is considered consistent with the objectives of Byron Shire LSPS.

There are no items in this housekeeping planning proposal considered inconsistent with the planning priorities and actions of the LSPS.

Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

The planning proposal is considered consistent with applicable State and regional studies and strategies.

Q6. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

No State Environmental Planning Policies are directly relevant to this planning proposal.

Q7. Is the planning proposal consistent with the applicable Ministerial Directions (s.9.1 directions)?

Consistency with the Local Planning Directions is assessed in the following tables:

1. Planning Systems

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
1.1 Implementation of Regional Plans	Planning proposals must be consistent with a Regional Plan released by the Minister for Planning. A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary), that: (a) the extent of inconsistency with the Regional Plan is of minor significance, and (b) the planning proposal achieves the overall intent of the Regional Plan and does not undermine the achievement of the Regional Plan's vision, land use strategy, goals, directions or actions.	The North Coast Regional Plan is not directly relevant to a housekeeping planning proposal. It is considered that that reviewing and updating Byron Local Environmental Plan is consistent with the objectives of the North Coast Regional Plan 2041.	Consistent

3. Biodiversity and Conservation

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
3.1 Conservation Zones	A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. A planning proposal that applies to land within a conservation 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 “Rural Lands”.	This planning proposal includes one item (#31) that rezones land from C2 Environmental Conservation to RU2 Rural Landscape. The change of zone is supported by a site visit and ecological assessment that indicated that the vegetation did not meet the requirements for a C2 Environmental Conservation zone. See Appendix 7. Due to the findings of the site visit, and the small area proposed for rezoning, the planning proposal is considered of minor significance, and thus justifiably inconsistent.	Justifiably inconsistent
3.2 Heritage Conservation	A planning proposal must contain provisions that facilitate the conservation of: (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,	The planning proposal adds three new items to Schedule 5 of the LEP (#3, 5, and 9), and thus contains provisions that facilitate heritage conservation. The planning proposal also updates several heritage items to ensure correct details are displayed.	Consistent

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
	(b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and (c) Aboriginal areas, Aboriginal 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.		
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	A planning proposal that introduces or alters an C2 Environmental Conservation or C3 Environmental Management zone or an overlay and associated clause must apply that proposed C2 Environmental Conservation or C3 Environmental Management zone, or the overlay and associated clause, in line with the <i>Northern Councils E Zone Review Final Recommendations</i> .	The planning proposal alters a C2 Environmental Conservation zone at item #31 by rezoning it to RU2 Rural Landscape. As indicated in Appendix 7, the vegetation does not meet the criteria for C2 Environmental Conservation as indicated in the <i>Northern Councils E Zone Review Final Recommendations</i>, therefore the rezoning is considered consistent with the Recommendations. The planning proposal also introduces C2 Environmental Conservation zones at item #26. This is considered consistent because it corrects an error from Council's previous stage 2 C zone planning proposal, where a small section of deferred matter area was not zoned C2 Environmental Conservation in error. The previous planning proposal was consistent with the	Consistent

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
		<i>Northern Councils E Zone Review Final Recommendations.</i>	

4. Resilience and Hazards

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
4.1 Flooding	This direction applies when preparing a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.	This planning proposal, due to its nature, alters zones and provisions that apply to flood prone land. This includes amendments to provisions that affect all land or certain zones (#10, 11, 13,14, 15, 17, 18, 19, 20), as well as specific parcels that are flood-prone (#26). However, as a housekeeping amendment, none of these changes would allow for development that would increase flood risk above current levels. As such, it is considered that these changes are of minor significance and justified. Additionally, item #20 seeks to rezone an area from E4 General Industrial to RU1 Primary Production, based on the high flood risk of the site and its unsuitability for industrial development. As	Justifiably inconsistent

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
		such, the planning proposal overall will act to reduce flood risk in the Byron Shire.	
4.2 Coastal Management	This direction applies when a planning proposal authority prepares a planning proposal that applies to land that is within the coastal zone, as defined under the Coastal Management Act 2016.	The planning proposal is inconsistent with the Direction because it applies to some land within the coastal zone and does not include provisions that give effect to the objects of the Coastal Management Act 2016 and objectives of the relevant coastal management areas. However, the inconsistency is considered minor in nature and justified as the planning proposal is a housekeeping amendment whose changes are only of minor significance. It is considered that coastal management can be suitably addressed at the development application stage.	Justifiably inconsistent
4.3 Planning for Bushfire Protection	(1) 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 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause 4, Schedule 1 to the EP&A Act, and take into account any comments so made.	It is considered that the planning proposal is of a minor nature, and that bushfire risk can be suitably addressed at the development application stage. The planning proposal will be referred to RFS as part of the public exhibition process. Until RFS provide comment following Gateway this Direction will remain unresolved.	Unresolved

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
	(2) A planning proposal must: (a) have regard to Planning for Bushfire Protection 2019, (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and (c) ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone (APZ).		
4.4 Remediation of Contaminated Land	This direction applies to: (a) land that is within an investigation area within the meaning of the Contaminated Land Management Act 1997, (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out, (c) the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land:	This planning proposal does not enable additional development on contaminated land.	Consistent

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
	i. in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and ii. on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge). (1) A planning proposal authority must not include in a particular zone (within the meaning of the local environmental plan) any land to which this direction applies if the inclusion of the land in that zone would permit a change of use of the land, unless: (a) the planning proposal authority has considered whether the land is contaminated, and (b) if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and (c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the		

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
	planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose.		
4.5 Acid Sulfate Soils	Applies when preparing 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 held by the Department of Planning and Environment. A relevant planning authority must not prepare a planning proposal 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 relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Planning Secretary prior to undertaking community consultation in satisfaction of clause 4 of Schedule 1 to the Act.	This planning proposal does not enable increased intensity of development on land mapped as containing acid sulfate soils.	Consistent

5. Transport and Infrastructure

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
5.1 Integrated Land Use Transport	This direction applies when preparing 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. 1) 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: (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and (b) The Right Place for Business and Services – Planning Policy (DUAP 2001).	The proposal is considered inconsistent as it does not include provisions that give effect to and are consistent with the aims, objectives and principles of the documents listed in the Direction. However, the inconsistency is considered minor in nature and justified as the planning proposal is a minor housekeeping amendment. Any transport and traffic considerations can be suitably addressed at the development application stage.	Justifiably inconsistent
5.2 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 Planning Secretary (or an officer of the Department nominated by the Secretary).	The planning proposal rezones some parts of land to C1 National Parks and Nature Reserves. These sites have been gazetted as part of Tyagarah Nature Reserve (item #22) and the mapping changes reflect this.	Consistent

6. Housing

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
6.1 Residential Zones	Applies when preparing a planning proposal that will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary). (1) A planning proposal must include provisions that encourage the provision of housing that will: (a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) be of good design. (2) A planning proposal must, in relation to land to which this direction applies: (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other	The planning proposal amends maps applying to residential land. This includes changes to FSR and MLS to reflect surrounding residential development (items #21, 30 and 32), and thus ensures consistency of development in existing residential areas. Item # 33 proposes a rezoning of deferred matter areas to R3 Medium Density Residential, however this forms a logical extension of an existing serviced residential area. The changes do not reduce the choice of building types and apply to existing urban areas.	Consistent

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
	appropriate authority, have been made to service it), and (b) not contain provisions which will reduce the permissible residential density of land.		

7. Industry and Employment

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
7.1 Business and Industrial Zones	This direction applies to all relevant planning authorities when preparing 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). A planning proposal must: (a) give effect to the objectives of this direction, (b) retain the areas and locations of existing business and industrial zones,	The planning proposal does amend land within an industrial zone. Item #20 rezones an area of E4 General Industrial land to RU1 Primary Production. As such it does not retain the areas and locations of existing business and industrial zones, and reduces the total potential floor space area for industrial uses in industrial zones. However, it is considered justifiably inconsistent as it is rezoning high flood risk land that is unable to be developed for industrial purposes. The site is unable to support any industrial development due to its flood risk and identification as a 'fill exclusion	Justifiably inconsistent

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
	(c) not reduce the total potential floor space area for employment uses and related public services in business zones, (d) not reduce the total potential floor space area for industrial uses in industrial zones, and (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Planning Secretary.	area', and thus the rezoning is of minor significance. This aligns with Council's adopted and State-endorsed Business and Industrial Lands Strategy (BILS), which has an action to consider rezoning constrained land if not suitable for development. Item #28 adds additional industrial land to the Bangalow industrial precinct, and therefore is considered consistent with the Direction.	

9. Primary Production

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
9.1 Rural Zones	Applies when a planning proposal will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary). A planning proposal must not rezone land from a rural zone to a residential, employment, mixed use, SP4 Enterprise, SP5 Metropolitan Centre, W4 Working Waterfront, village or tourist zone.	The planning proposal does rezone an area of land from RU1 Primary Production to E4 General Industrial (item #28), however this is a road reserve within an existing industrial estate that is not being used for rural uses, and is of too small a size to support rural development. The rezoning supports DPHI's Practice Note 10-001, which indicates that roads "should be zoned in accordance with the adjoining land".	Justifiably inconsistent

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
		As such, the proposal is considered of minor significance and justifiable inconsistent with the Direction.	
9.2 Rural Lands	Applies when a planning proposal: (a) will affect land within an existing or proposed rural or conservation zone (including the alteration of any existing rural or conservation zone boundary) or (b) changes the existing minimum lot size on land within a rural or conservation zone. A planning proposal must: (a) be consistent with any applicable strategic plan, including regional and district plans endorsed by the Planning Secretary, and any applicable local strategic planning statement (b) consider the significance of agriculture and primary production to the State and rural communities (c) identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of	This planning proposal seeks to amend the minimum lot size of RU2 zoned land (item #21) from 40ha to 4000m². The lot is zoned R2, R3 and RU2. The RU2 portion is not considered an appropriate size to support agriculture but is of sufficient size (approximately 6000m²) to support a dwelling house with flood-free access up to the Probable Maximum Flood level, subject to a more detailed assessment at the DA stage. The planning proposal has considered the significance of agriculture and primary production, and the natural and physical constraints of the site when considering amending development controls. It is not considered to increase fragmentation of rural land or increase land use conflict, as it will not allow subdivision and is adjoining existing residential zoned land. It is appropriately located as it is adjoining existing zoned residential land and has potential for the siting of a dwelling with flood-free access. While the land is mapped as important farmland under the North Coast Regional Plan 2041, the lot is	Consistent

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
	native vegetation, cultural heritage, and the importance of water resources (d) consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions (e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities (f) support farmers in exercising their right to farm (g) prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land use (h) consider State significant agricultural land identified in chapter 2 of the State Environmental Planning Policy (Primary Production) 2021 for the purpose of ensuring the ongoing viability of this land (i) consider the social, economic and environmental interests of the community.	considered too small to accommodate and farming activity. Allowing the RU2 portion of the site to site a dwelling is considered in the social, economic and environmental interests of the community.	

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
	(2) A planning proposal that changes the existing minimum lot size on land within a rural or conservation zone must demonstrate that it: (a) is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses (b) will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains (c) where it is for rural residential purposes: i. is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres ii. is necessary taking account of existing and future demand and supply of rural residential land.		

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Applies to land mapped as mapped as State significant farmland, regionally significant farmland, or significant non-contiguous farmland.	The planning proposal rezones land marked as 'important farmland' under the North Coast Regional Plan 2041, and was prior mapped as 'regionally significant farmland' (item #28). The area is a small (~2500m²) road reserve between two areas zoned E4 General Industrial and has already been partially redeveloped for industrial purposes. It is not considered to have any ability to be used for agricultural purposes, and is of such minor significance it is not considered necessary to address the Northern Rivers Farmland Protection Project - Final Recommendations, February 2005. Rezoning the road reserve to E4 General Industrial aligns with the Department's Practice Note 10-001, which indicates that roads "should be zoned in accordance with the adjoining land".	Justifiably inconsistent

Section C Environmental, social and economic impact

Q8. 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?

This planning proposal is housekeeping in nature and is not intended to adversely affect threatened species or their habitats. In regards to item #31, the area being rezoned from C2 Environmental Conservation to RU2 Rural Landscape may have lesser environmental protection as tree removal will be considered as part of the *Local Land Services Act 2013*, and landowners will have access to 'allowable activities clearing of native vegetation'. This land, however, has been assessed as not meeting the requirements of a C2 Environmental Conservation zone.

Q9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. As a housekeeping amendment, other environmental impacts are considered negligible. Any elements of this planning proposal that could enable development over and above what is currently permissible will be required to address environmental effects as part of the development assessment process.

Q10. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal is housekeeping in nature and not anticipated to have any adverse social or economic impacts.

Section D Infrastructure

Q11. Is there adequate public infrastructure for the planning proposal?

The planning proposal does not facilitate additional development sufficient to require public infrastructure.

Section E State and Commonwealth Interests

Q12. What are the views of state and Commonwealth public authorities consulted in order to inform the Gateway determination?

Consultation has yet to occur with State agencies. As the proposal is housekeeping in nature, no objections are envisioned from State or Commonwealth agencies.

Part 4 Mapping

Amendments will be required to Byron LEP 2014 maps.

Current and proposed maps are detailed at **Appendix 2**.

Part 5 Community consultation

Community consultation will be conducted in accordance with the Gateway determination and Council's Community Participation Plan.

Notification of the exhibited planning proposal will include:

- updates to Council's website
- referral to relevant State agencies
- notification in writing to affected landowners

Part 6 Project timeline

The proposed timeline for the completion of the Planning Proposal is as follows:

Plan making step	Estimated completion
Gateway Determination	November 2025
Agency Consultation	January - February 2026
Public Exhibition Period	February to March 2026
Submissions Assessment and report to Council	April 2026
Submission of adopted LEP amendment to Parliamentary Counsel for drafting (delegated authority)	N/A
Council to make the LEP amendment (delegated authority)	N/A
LEP amendment notification	June 2026

Conclusion

This Planning Proposal seeks to amend Byron Local Environmental Plan (LEP) 2014 to make a range of minor changes relating to policy and mapping inconsistencies and errors. These changes ensure that the Byron LEP 2014 is up to date and consistent and allow for the best possible planning and land use outcomes.

This planning proposal is broadly consistent with the North Coast Regional Plan 2041. It is also consistent (or justifiably inconsistent) with 9.1 Ministerial Directions.

Appendix 1

Proposed drafting changes (additions in green and deletions in red strikethrough). **Note:** Indicative only. Drafting will be developed by the NSW Parliamentary Counsel's Office.

Items 1-9

Schedule 5 Environmental heritage

Part 1 Heritage items

Suburb	Item	Address	Property Description	Significance	Item no
Mullumbimby	House	11 Argyle Street	Lots 11 and 12, Section 1, DP 4721 Lot 1, DP 1295394	Local	I119
Mullumbimby	House	Coolamon Scenic Drive	Lot 23, DP 1089627 Part of Lot 31, DP 1266932	Local	I131
Mullumbimby	House (including stables at rear)	93 Station Street 93 Station Street and 93 McGoughans Lane	Lots 21–23, Section 4, DP 2772 Lot 1, DP 1228509 and SP 107730	Local	I154
Mullumbimby	Church of England (including former church now office)	38–42 Stuart Street 38 & 40 Stuart Street; and 40 McGoughans Lane	Lots 69–72, Section 3, DP 2772 Lots 69 & 70, Section 3, DP 2772; and Lots 3 & 4, DP 1268493	Local	I158
Mullumbimby	Rectory Church of England	38–42 Stuart Street 42 Stuart Street; and 42 McGoughans Lane	Lots 73–75, Section 3, DP 2772 Lots 1 & 2, DP 1268493	Local	I159
Mullumbimby	House	2 Tincogan Street	Lots 2 and 3, DP 303076 Lot 20, DP 1312697	Local	I160

Suburb	Item	Address	Property Description	Significance	Item no
Myocum	Plane crash site	385 Myocum Road (Barlow Property)	Part of Lot 1, DP 1138652 Part of Lot 6, DP 1283520	Local	I164
Mullumbimby	House	35 Lomandra Lane	Part Lot 86, DP 755722	Local	I196
Bangalow	House	7 Leslie Street	Lots 12 and 13, DP 6041	Local	I197
Federal	House	911 Binna Burra Road	Part Lot 2 DP 869145	Local	I198

Items 11 and 12

4.1B – Minimum subdivision lot size for ~~multiple occupancy or~~ rural community title developments

- (1) The objective of this clause is to permit the subdivision of land to which this clause applies for ~~a multiple occupancy or~~ a rural community title.
- (2) This clause applies to land—
 - (a) outlined by a thick purple line on the [*Multiple Occupancy and Community Title Map*](#), or
 - (b) containing an existing approved multiple occupancy or rural community title.
- (3) ~~Despite Clause 4.1AA, T~~the size of any lot resulting from the subdivision of land to which this clause applies may be less than the minimum lot size shown on the [*Lot Size Map*](#) in relation to that land if—

(a) the total number of neighbourhood lots (within the meaning of the ~~Community Land Development Act 1989~~ Community Land Development Act 2021) located on the land following the subdivision does not exceed—

(i) the number nominated for that land as shown on the Multiple Occupancy and Community Title Map, or

(ii) the number of dwelling sites approved under the development consent for the multiple occupancy or rural community title, and

(b) there will be at least one lot comprising association property (within the meaning of that Act) located within that land following the subdivision that comprises land to be used for the purposes of a recreation area, an environmental facility, agriculture or environmental protection works.

(c) (Repealed)

(4) Development consent must not be granted under subclause (3) unless the consent authority is satisfied that—

(a) appropriate management measures are in place that will ensure the protection and enhancement of the landscape, biodiversity and rural setting of the land, and

(b) improved social and economic outcomes can be achieved, and

(c) appropriate mitigation measures are in place to minimise land use conflicts, with existing agricultural and other rural land uses being undertaken on the land or neighbouring land, that may arise from further development on the land.

~~(5) In this clause, **approved multiple occupancy or rural community title** means development for the purposes of a multi dwelling housing or community scheme (being a subdivision within the meaning of the Community Land Development Act 1989) and for which development consent has been granted.~~

~~In this clause—~~

approved multiple occupancy means development for the purposes of 3 or more dwellings on one lot and for which development consent has been granted.

approved rural community title means development for the purposes of a community scheme (being a subdivision within the meaning of the Community Land Development Act 2021) and for which development consent has been granted.

Note.

It is the applicants' responsibility to demonstrate that the development consent has not lapsed.

Item 13

4.1E Minimum lot sizes for certain residential accommodation

(1) The objective of this clause is to achieve planned residential density in certain zones.

(2) Development consent may be granted to development on a lot in a zone shown in Column 2 of the table to this clause for a purpose shown in Column 1 of the table opposite that zone, if the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of the table.

(3) In this clause, **manor house** has the same meaning as in clause 1.5 of [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#).

Note.

Clause 3B.1A of [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#) provides that development for the purposes of manor houses is permitted with development consent in Zones R2 and R3.

Column 1	Column 2	Column 3
Attached dwelling	Zone R2 Low Density Residential	1,000 square metres
Attached dwelling	Zone R3 Medium Density Residential	800 square metres
Semi-detached dwelling	Zone R2 Low Density Residential, Zone R3 Medium Density Residential	800 square metres
Dual occupancy (attached)	Zone R2 Low Density Residential, Zone R3 Medium Density Residential	800 square metres
Dual occupancy (attached)	Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU5 Village, Zone R5 Large Lot Residential	4,000 square metres
Dual occupancy (detached)	Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone R5 Large Lot Residential	4,000 square metres
Dual occupancy (detached)	Zone R2 Low Density Residential, Zone R3 Medium Density Residential	800 square metres
Manor house	Zone R2 Low Density Residential	1,000 square metres
Manor house	Zone R3 Medium Density Residential	800 square metres
Multi dwelling housing	Zone R2 Low Density Residential	1,000 square metres
Multi dwelling housing	Zone R3 Medium Density Residential	800 square metres

Residential flat building Zone R3 Medium Density Residential

800 square metres

Items 14 and 15

4.2A – Erection of dwelling houses and dual occupancies on land in certain rural and conservation zones

- (1) The objectives of this clause are as follows—
 - (a) to minimise unplanned rural residential development,
 - (b) to enable the replacement of lawfully erected dwelling houses and dual occupancies in rural and conservation zones.
- (2) This clause applies to land in the following zones—
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (c) Zone C3 Environmental Management.
- (3) Development consent must not be granted for the erection of a dwelling house or a dual occupancy on land to which this clause applies unless the land—
 - (a) is a lot that is at least the minimum lot size shown on the [Lot Size Map](#) in relation to that land, or
 - (b) is a lot created under this Plan (other than under clause ~~4.1C(3) or~~ 4.2(3)), or
 - (c) is a lot created before this Plan commenced and on which the erection of a dwelling house or a dual occupancy was permissible immediately before that commencement, or
 - (d) is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house or a dual occupancy would have been permissible if the plan of subdivision had been registered before that commencement, or
 - (e) would have been a lot referred to in paragraph (a), (b), (c) or (d) had it not been affected by—
 - (i) a minor realignment of its boundaries that did not create an additional lot, or

(ii) a subdivision creating or widening a public road or public reserve or for another public purpose, ~~or~~ and no other lot was created on which:

- there is a lawfully erected dwelling house or dual occupancy currently on the land, or
- development consent has been issued for a dwelling house or dual occupancy, or

(iii) a consolidation with an adjoining public road or public reserve or for another public purpose~~-, or~~

(iv) a consolidation with a lot on which the erection of a dwelling house or dual occupancy was not permissible.

Note.

A dwelling cannot be erected on a lot created under clause 9 of [State Environmental Planning Policy \(Rural Lands\) 2008](#) or clause 4.2.

(4) Development consent must not be granted under subclause (3) unless—

- (a) no dwelling house or dual occupancy is currently erected on the land, and
- (b) if a development application has been made for development for the purpose of a dwelling house or a dual occupancy on the land—the application has been refused or it was withdrawn before it was determined, and
- (c) if development consent has been granted in relation to such an application—the consent has been surrendered or it has lapsed.

(5) Development consent may be granted for the erection of a dwelling house or a dual occupancy on land to which this clause applies if—

- (a) there is a lawfully erected dwelling house or a dual occupancy on the land and the dwelling house or a dual occupancy to be erected is intended only to replace the existing dwelling house, or
- (b) the dwelling house or a dual occupancy will replace a lawfully erected dwelling house or a dual occupancy that was either—
 - (i) removed from the site, or
 - (ii) partially or completely destroyed,

less than 5 years before the lodgement of a development application under this Plan for the purposes of a dwelling house or a dual occupancy.

Item 16

4.2B – Maximum number of dwelling houses or dual occupancies on multiple occupancy or rural ~~landsharing~~ community ~~title~~ developments

Item 17

4.2D – Erection of dual occupancies (detached) and secondary dwellings in Zones RU1 and RU2

(1) The objectives of this clause are as follows—

- (a) to provide alternative accommodation for rural families and workers,
- (b) 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,
- (c) to set out consent considerations for development of dual occupancies (detached) and secondary dwellings to address matters such as access, siting, land suitability and potential impacts.

(2) Development consent must not be granted to development for the purpose of a dual occupancy (detached) or secondary dwelling on land in Zone RU1 Primary Production or Zone RU2 Rural Landscape unless the consent authority is satisfied that—

- (a) the development will not impair the use of the land, or neighbouring land, for agriculture or rural industries, and
- (b) ~~each dwelling will use the same vehicular access to and from a public road, and~~ (Repealed)
- (c) (Repealed)
- (d) the land is physically suitable for the development, and
- (e) the land is capable of accommodating the on-site disposal and management of sewage for the development, and
- (f) the development will not have an adverse impact on the scenic amenity or character of the rural environment.

Item 18

Schedule 2 Exempt Development

~~Roadside stalls~~

~~(1) Must be for the sale of agricultural produce only.~~

- ~~(2) Must be on land in Zone RU1 Primary Production or Zone RU2 Rural Landscape.~~
- ~~(3) Must not have a gross floor area of more than 4m².~~
- ~~(4) Must be located on private property.~~
- ~~(5) Must be located at least 5m from an adjoining property boundary.~~
- ~~(6) Must not be located on land adjacent to a classified road.~~
- ~~(7) Only 1 stall per landholding.~~
- ~~(8) Must provide customer parking on the side of a road or within the property.~~
- ~~(9) If parking is provided on the side of a road—must provide for vehicles to park at least 3m from the road.~~
- ~~(10) If parking is provided within the property—must provide for vehicles to access and leave the property in a forward direction.~~

Item 19

Zone RU2 Rural Landscape

3 Permitted with consent

Agricultural produce industries; Agriculture; Airstrips; Animal boarding or training establishments; Aquaculture; Artisan food and drink industries; Business identification signs; Camping grounds; Cemeteries; Centre-based child care facilities; Community facilities; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Funeral homes; Garden centres; Health consulting rooms; Helipads; Home businesses; Home industries; ~~Hostels~~; Industrial retail outlets; Industrial training facilities; Information and education facilities; Landscaping material supplies; Livestock processing industries; Neighbourhood shops; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Roadside stalls; Rural supplies; Rural workers' dwellings; Secondary dwellings; Stock and sale yards; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Veterinary hospitals; Warehouse or distribution centres

Zone RU5 Village

3 Permitted with consent

Agricultural produce industries; Amusement centres; Bed and breakfast accommodation; Building identification signs; Business identification signs; Business premises; Camping grounds; Car parks; Caravan parks; Centre-based child care facilities; Community facilities;

Depots; Dwelling houses; Entertainment facilities; Environmental facilities; Exhibition homes; Farm buildings; Flood mitigation works; Function centres; Garden centres; Hardware and building supplies; Helipads; Home businesses; Industrial retail outlets; Industrial training facilities; Information and education facilities; Light industries; Local distribution premises; Markets; Mortuaries; Neighbourhood shops; Office premises; Oyster aquaculture; Places of public worship; Plant nurseries; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; Restaurants or cafes; Roads; Roadside stalls; Rural supplies; Schools; Self-storage units; Service stations; ~~Serviced apartments~~; Sewerage systems; Shops; Tank-based aquaculture; Timber yards; Transport depots; Vehicle repair stations; ~~Vehicle sales or hire premises~~; Veterinary hospitals; Warehouse or distribution centres

4 Prohibited

~~Attached dwellings~~; Dual occupancies (detached); ~~Hostels~~; Multi dwelling housing; Residential flat buildings; Rural workers' dwellings; Any other development not specified in item 2 or 3

Zone R1 General Residential

2 Permitted without consent

Environmental protection works; ~~Flood mitigation works~~; Home occupations; Home-based child care

3 Permitted with consent

Attached dwellings; Boarding houses; Building identification signs; Car parks; ~~Centre-based child care facilities~~; Community facilities; Dwelling houses; ~~Early education and care facilities~~; Emergency services facilities; Environmental facilities; Exhibition homes; ~~Flood mitigation works~~; Group homes; Health services facilities; Home businesses; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Public administration buildings; Recreation areas; Residential accommodation; Residential flat buildings; Respite day care centres; Roads; ~~School-based child care~~; Semi-detached dwellings; Seniors housing; Sewerage systems; Shop top housing; Tank-based aquaculture

4 Prohibited

~~Biosolids treatment facilities~~; ~~Rural workers' dwellings~~; ~~Sewage treatment plants~~; ~~Water recycling plants~~; Any other development not specified in item 2 or 3

Zone E1 Local Centre

3 Permitted with consent

Amusement centres; Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; **Creative industries**; Entertainment facilities; Function centres; Home industries; Hostels; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation facilities (indoor); Respite day care centres; Service stations; Shop top housing; Tank-based aquaculture; Veterinary hospitals; Any other development not specified in item 2 or 4

Zone MU1 Mixed Use

2 Permitted without consent

Environmental protection works; **Home occupations**

Item 20

Schedule 1 Additional permitted uses

15 Use of certain land at 258 Mullumbimby Road, Mullumbimby

- (1) This clause applies to land at 258 Mullumbimby Road, Mullumbimby being Lot 1, DP 535658, and identified as “Area K” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of a warehouse or distribution centre is permitted with development consent.

Appendix 2

#E2026/6190 Current and proposed mapping changes

Appendix 3

Heritage Assessment for 35 Lomandra Lane Mullumbimby

#E2024/35126

Appendix 4

Heritage Assessment for 7 Leslie Street Bangalow

#E2024/6936

Appendix 5

Heritage Assessment for 911 Binna Burra Road Federal

#E2024/126847

Appendix 6

Gazettal notice for Tygarah Nature Reserve

#E2020/100132

Appendix 7

Site visit information to support rezoning of 264 Skinners Shoot Road

#E2025/74329

Appendix 8

E2026/7779 NSW Coastal Design Guidelines Checklist 2023