

Byron Shire Council

Planning Proposal

Amendment of Byron Local Environmental Plan 2014

General Industrial Zone – Part of Lot 15 DP 1236885 40 The Tunnell Road, Billinudgel

Pre Gateway Version #1

Date: August 2024



**BYRON
SHIRE
COUNCIL**

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Part 1 Introduction

1.1 Objective and intended outcomes

The objectives of this planning proposal are to amend the Byron Local Environmental Plan (L.E.P.) 2014 to rezone 4,220m² of Lot 15 DP 1236885 from Zone RU2 Rural Landscape to Zone E4 General Industrial.

1.2 Subject land

This planning proposal relates to land in Billinudgel described as part of Lot 15, DP 1236885.

Part of this Lot, an area 2,541m² has a current approval as a truck depot. The land has been filled to provide a flood free site.



Figure 1: Plan of Site

1.3 Background

The site with frontage to Lucky Lane, Billinudgel is listed as “Area 1: Billinudgel Industrial Estate minor expansion area” in the adopted Byron Shire Business and Industrial Lands Strategy dated October 2020.

The site was listed as having the following strengths/advantages:

- Adjoins existing industrial estate
- Proximity to existing workforce
- On existing public transport route
- Capacity to be connected to existing infrastructure and transport network.

(Annexure 1: Page 66, Business & Industrial Lands)

The site has previously been used by a Byron Shire contractor installing sewage works at Ocean Shores and is connected to reticulated town water, sewer and electricity.

Part 2 Explanation of provisions

Lot 15, DP 1236885 has an area of 5.426 ha, and is primarily zoned RU2 Rural Landscape with two pockets of vegetation zoned C2 Environmental Conservation and C3 Environmental Management. It is intended to rezone 4,220m² of RU2 Rural Landscape zone to E4 General Industrial as shown in the proposed Zone Map (Annexure 2).

The Lot Size Map

The Lot Size Map LSZ_002CA will be amended to allow for the subdivision of the land for General Industrial. The adjacent lot size for the Billinudgel Industrial Estate is 1,000m² (= 1,000m² minimum). Proposed Lot Size Map is Annexure 3.



Figure 2: Current Lot Size Map

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?

Yes. This Planning Proposal is a result of the Byron Shire Business and Industrial Lands Strategy (October 2020).

Area 1: Billinudgel Industrial Estate minor expansion area.

The rezoning of this parcel will assist with the objective of the Strategy to “Secure a sustainable long-term supply of suitable industrial lands.”

Further, industrial and employment lands area in short supply in Byron Shire.

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

Yes. There are no other opportunities for expansion of the Billinudgel Industrial Estate, which is a busy employment area servicing the Ocean Shores residential development.

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 (in this case the North Coast Regional Plan 2041)?

Yes. 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.

Objective 11 of this Strategy support cities and centres and coordinate the supply of well-located employment land. The 4,200m² expansion of the busy Billinudgel Industrial Estate is the only opportunity to expand.

The site is close to the Pacific Highway and is connected to urban service, water, sewer and electricity.

For the Byron Local Government area, the Strategy provides:

- Support environmentally sustainable development that is responsive to natural hazards. The site is flood free.
- Deliver additional employment land at West Byron and other investigation sites in the Shires.

The site is identified in the Council Strategy and being in the north of Byron Shire is closely connected to South East Queensland.

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

Yes. The site is identified in the enclosed Byron Shire Business and Industrial Land Strategy (October 2020) and the Billinudgel Industrial Estate is shown on Page 89 of the North Coast Regional Plan 2041 as “Existing Employment Land”.

The Byron Shire LSPS was endorsed by DPIE on 23 September 2020.

Figure 19 on Page 53, of that Statement, identifies the Billinudgel Investigation Area – Business Land.

The LSPS provides for a thriving Shire.

TP3. Promote and support local business development, education, and employment opportunities.

Response: The proposed addition to the existing Billinudgel will provide an opportunity for further business and employment.

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

The site and its development will comply with the Environmental Planning & Assessment Act, 1979, which requires that “local character” be considered at all levels of planning.

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

The State Environmental Planning Policies relevant to this Planning Proposal are as follows:

State Environmental Planning Policy (SEPP)	Compliance of Planning Proposal
SEPP (Primary Production) 2021	<p>Complies - Part of this site 2,541m² has been used as a depot for sewage infrastructure storage and has development approval (DA No. 10.2022.219.1) for a Truck Depot. The remainder of the site is zoned RU2 Rural Landscape and C2 Environmental Conservation and C3 Environmental Management. The rezoning of this site to E4 General Industrial will not impact on the orderly use of the land for primary production. This site is not significant agricultural land.</p> <p>The additional area added to the proposed E4 General Industrial is to allow for a 22m buffer between any proposed building and the adjacent C2 paperbark swamp as recommended in the Bushfire Assessment Report, January 2024.</p>

SEPP (Resources & Energy) 2021]	N/A
SEPP (Resilience and Hazards) 2021	Complies – The site is not within the Coastal Use Area, Coastal Wet Land and Littoral Rainforests Area, nor in the Coastal Environment Area.
SEPP (Industry & Employment) 2021	<p>Complies – An aim of the Policy is to rezone land for employment, environmental conservation or recreation purposes.</p> <p>Parts of the land has already been rezoned C2 & C3 for the environment with the owner's agreement. Of this site 2,541m² has approval for a Truck Depot and is immediately adjacent the existing zoned Billinudgel Industrial Estate.</p>
SEPP (Transport and Infrastructure) 2021	<p>Complies – The aim of the SEPP includes:</p> <p><i>(a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services.</i></p> <p>The Billinudgel Industrial Estate has well designed transport access to the Pacific Highway, and to the local road network. Water and sewer services are already installed on the land.</p>
SEPP (Biodiversity and Conservation) 2021	<p>Complies – There are no trees on the site of the proposed rezoning from RU2 Rural Landscape to E4 General Industrial.</p> <p>Within the APZ area, as shown on Page 13 of the Bushfire Assessment Report, is a revegetated banks which will be maintained as a buffer between the industrial use and the paperbark swamp, immediately to the west.</p> <p>The owner has maintained an area of Coastal Swamp Forests, now zoned C2 Environmental Conservation adjacent and further south on the land an area of North Coast West sclerophyll, now zoned C3 Environmental Management.</p>
SEPP (Planning Systems) 2021	Complies – The proposal to rezone Part of the Lot (4,220m ²) to E4 General Industrial is not State of Regionally significant development.

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	<p>Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.</p> <p>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:</p> <p>(a) the extent of inconsistency with the Regional Plan is of minor significance, and</p> <p>(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.</p>	<p>The additional 4,220m² E4 General Industrial rezoning to be added to the Billinudgel Industrial Estate to provide employment lands and is closely aligned to the Pacific Highway.</p> <p>Urban Growth Area Variation Principles are addressed at Appendix 7.</p>	Consistent
1.2 Development of Aboriginal Land Council Land	Applies when preparing a planning proposal for land shown on the Land Application Map of chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021.	This planning proposal does not apply to Aboriginal Land Council land.	N/A
1.3 Approval and Referral Requirements	<p>A planning proposal must:</p> <p>(a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</p>	This proposal does not involve designated development nor referrals.	

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
	<p>(b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:</p> <p>i. the appropriate Minister or public authority, and</p> <p>ii. the Planning Secretary (or an officer of the Department nominated by the Secretary),</p> <p>prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act</p>		
1.4 Site Specific Provisions	Applies when preparing a planning proposal that will allow a particular development to be carried out.	The proposal does not provide for a particular development. The proposal is for Zone E4 General Industrial.	Consistent

3. Biodiversity and Conservation

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
3.1 Conservation Zones	<p>A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>A planning proposal that applies to land within an 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</p>	<p>This Planning Proposal does not alter or remove any environment protection zone. No environmental standards will be reduced by the proposed LEP changes.</p> <p>The site to be rezoned E4 General Industrial is not environmentally sensitive, whilst two areas on the Lot 15 DP 1236885 are maintained and zoned C2 and C3.</p>	Consistent

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
	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".	An Ecological Assessment by Blackwood Ecology August 2024 recommended a kerb & drainage to the site when developed, removal of exotic vegetation in the APZ.	
3.2 Heritage Conservation	<p>A planning proposal must contain provisions that facilitate the conservation of:</p> <p>(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</p> <p>(b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</p> <p>(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</p>	There are no items of European Heritage nor Aboriginal sites on the land.	Consistent

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
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 Northern Councils E Zone Review Final Recommendations.	<p>This planning proposal does not introduce or alter an environmental zone on the subject land.</p> <p>The owner has negotiated with Council and Council has rezoned two area of vegetation on the allotment to zones C2 and C3.</p> <p>There is a revegetated 10m wide bank between the industrial site and the C2 zone which will be maintained as part of the APZ.</p>	N/A
3.5 Recreation Vehicle Areas	A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the Recreation Vehicles Act 1983).	This planning proposal does not enable land to be developed for the purpose of a recreation vehicle area.	N/A

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.	<p>2,541m² of the site has been filled and compacted with Development Consent, to the Flood Planning Level required by Council.</p> <p>A new Hydraulic Report by Floodworks, 14 August 2024, found that the earthworks had no impact on peak water levels upstream or downstream for the 1% AEP</p> <p>Future industrial development on the site will not lead to flood impacts on other lands.</p> <p>The proposal is consistent with the Principles of the Flood Planning Development Manual 2005.</p>	Consistent
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 site is not within the Coastal mapped area.	N/A
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.	A Bushfire Assessment Report by J.J. Bruce of Land Use provides that buildings may be constructed on the proposed General Industrial lot to BAL-29 construction. Included in this report, on page 13, shows the site area of 4,220m ² to allow for the required APZ.	Consistent

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
	<p>(2) A planning proposal must:</p> <ul style="list-style-type: none"> (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). 	<p>The proposal is capable of meeting the prevention measures of PBP 2019.</p>	
4.4 Remediation of Contaminated Land	<p>This direction applies to:</p> <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> i. in relation to which there is no knowledge (or incomplete knowledge) as to whether 	<p>The report by HMC Environmental found no record of potentially contaminating activities on the site and that the site is suitable for industrial development.</p>	Consistent

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
	<p>development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and</p> <p>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).</p> <p>(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:</p> <p>(a) the planning proposal authority has considered whether the land is contaminated, and</p> <p>(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</p> <p>(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 planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose.</p>		

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
	<p>In order to satisfy itself as to paragraph 1(c), the planning proposal authority may need to include certain provisions in the local environmental plan.</p> <p>(2) Before including any land to which this direction applies in a particular zone, the planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines</p>		
4.5 Acid Sulfate Soils	<p>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.</p> <p>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.</p>	<p>The site is mapped as containing acid sulfate soils. However, 2,541m² of the land on this site has been filled to a depth of 1.5m and will not be impacted by acid sulfate in any future building construction.</p>	Consistent

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
4.6 Mining Subsidence and Unstable Land	This direction applies when a relevant planning authority prepares a planning proposal that permits development on land that is within a declared mine subsidence district in the Coal Mine Subsidence Compensation Regulation 2017 pursuant to section 20 of the Coal Mine Subsidence Compensation Act 2017, or has been identified as unstable in a study, strategy or other assessment undertaken by or on behalf of the relevant planning authority or by or on behalf of a public authority and provided to the relevant planning authority.	<p>This planning proposal does not impact on any mine subsidence area.</p> <p>The filled area of the site (2,541m²) is relatively flat and on compacted clean fill. The additional area on the site of the rezoning is required for the APZ and cannot be built on.</p>	Consistent

5. Transport and Infrastructure

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
5.1 Integrated Land Use Transport	<p>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.</p> <p>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:</p> <p>(a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</p> <p>(b) The Right Place for Business and Services – Planning Policy (DUAP 2001).</p>	The proposal will zone 4,220m ² to E4 General Industrial. The site has access via the existing Billinudgel Industrial Estate back to the Pacific Highway and to local roads. It is well placed and connected to the Billinudgel Industrial Estate.	Consistent
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 does not alter or reduce land reserved for public purposes.	N/A
5.3 Development Near Regulated Airports and Defence Airfields	Applies when preparing a planning proposal that will create, alter or remove a zone or a provision relating to land near a regulated airport which includes a defence airfield.	There are no airports or airfields in the vicinity of this planning proposal.	N/A

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
5.4 Shooting Ranges	Applies when preparing a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range	There are no shooting ranges in the vicinity of this planning proposal.	N/A

6. Housing

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
6.1 Residential Zones	<p>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).</p> <p>(1) A planning proposal must include provisions that encourage the provision of housing that will:</p> <ul style="list-style-type: none"> (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. 	The proposal does not impact on Residential zones.	N/A

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
	<p>(2) A planning proposal must, in relation to land to which this direction applies:</p> <p>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</p> <p>(b) not contain provisions which will reduce the permissible residential density of land.</p>		
6.2 Caravan Parks and Manufactures Home Estates	Applies when a planning proposal affects land for Caravan Parks and Manufactured Home Estates.	This planning proposal will not alter the permissibility of caravan parks or manufactured home estates on any land.	Consistent

7. Industry and Employment

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
7.1 Business and Industrial Zones	<p>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).</p> <p>A planning proposal must:</p> <ul style="list-style-type: none"> (a) give effect to the objectives of this direction, (b) retain the areas and locations of existing business and industrial zones, (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. 	<p>This planning proposal will provide an additional 4,220m² E4 General Industrial land, connected with the existing Billinudgel Industrial Estate. Of this area 2,541m² can be used for industrial purposes with the remainder being maintained as an APZ</p>	Consistent
7.2 Reduction in non-hosted short-term rental accommodation period	<p>This direction applies to Byron Shire Council when the council prepares a planning proposal to identify or reduce the number of days that non-hosted short-term rental accommodation may be carried out in parts of its local government area.</p>	<p>This planning proposal will not impact on non-hosted short-term rental accommodation.</p>	N/A

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Applies to land in the vicinity of the existing and/or proposed alignment of the Pacific Highway.	This planning proposal is adjacent but does not have frontage to Pacific Highway. Access back to the Highway is via existing street infrastructure via Wilfred Street, 550 metres to the north.	Consistent

8. Resources and Energy

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
8.1 Mining, Petroleum Production and Extractive Industries	<p>This direction applies to all relevant planning authorities when preparing a planning proposal that would have the effect of:</p> <ul style="list-style-type: none"> (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or (b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development. 	This planning proposal will not alter or restrict mining or extractive industries on any land.	N/A

9. Primary Production

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
9.1 Rural Zones	<p>Applies when a planning proposal will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).</p> <p>A planning proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone</p>	<p>The land has approval on this site for a truck depot. It has been used for a depot previously and has no value for a rural use. It is identified in Council's Business & Industrial Lands Strategy as a site for industrial land investigation.</p> <p>It has not been used for rural purposes and is not suited due to its location for rural use.</p>	Justifiably Inconsistent
9.2 Rural Lands	<p>Applies when a planning proposal\</p> <ul style="list-style-type: none"> (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. <p>A planning proposal must:</p> <ul style="list-style-type: none"> (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 	<p>The land is only suited to Industrial purposes. The current minimum lot size is 40ha, whilst the adjacent minimum lot size in the zone adjacent is 1,000m² E4 General Industrial.</p> <p>This part of the land is in the adopted Byron Shire Business & Industrial Land Strategy.</p> <p>There is no viable agricultural use that could be located on this 4,220m² proposed lot, the subject of this planning proposal.</p>	Justifiably Inconsistent

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
	<p>(c) identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources</p> <p>(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</p> <p>(e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities</p> <p>(f) support farmers in exercising their right to farm</p> <p>(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</p> <p>(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</p> <p>(i) consider the social, economic and environmental interests of the community.</p>		

S. 9.1 Direction	Application	Relevance to this planning proposal	Consistency
	<p>(2) A planning proposal that changes the existing minimum lot size on land within a rural or conservation zone must demonstrate that it:</p> <p>(a) is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses</p> <p>(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</p> <p>(c) where it is for rural residential purposes:</p> <p>i. is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres</p> <p>ii. is necessary taking account of existing and future demand and supply of rural residential land.</p>		
9.3 Oyster Aquaculture	Applies when preparing a planning proposal in 'Priority Oyster Aquaculture Areas'	N/A	N/A

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.	N/A	N/a

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?

There are no trees on the site and there is no likelihood of any threatened species being affected by future industrial use. The remainder of the Lot 15, DP 1236885 is zoned RU2 Rural Landscape with two environmental areas zoned C2 & C3 which are maintained by the owner.

Assessment Criteria

(a) Does it have merit? Is it:

- Consistent with the Regional Plan?
 - o Yes, it is adjacent the developed Billinudgel Industrial zone and is already used as a truck depot. The site is in proximity to the Pacific Highway.
- consistent with a relevant Local Strategy
 - o Yes, the site is identified in the adopted Byron Shire Business & Industrial Land Strategy (October 2020).

(b) Does the proposal have site-specific merit, having regard to the following?

- the natural environment?
 - o Part of the site (2,541m²) has been filled and used for a depot and then for an approved truck depot. The use of the site for industry will not impact on the C2 Zone adjacent which is maintained by the owner. There is a buffer area, approximately 10m wide between the industrial site and the C2 Zone that will be maintained as part of the APZ.
- the existing uses, approved uses, and likely future uses of land within the vicinity of the proposal?
 - o The adjacent zone is E4 General Industrial and future industrial use on this proposed site will be compatible with the approved uses in the Billinudgel Industrial Estate.
- the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangement for infrastructure provision.
 - o Yes. The site already has a water connection and water meter. As well, the site was connected to the Council sewer during a previous use of the site. Electricity supply is connected and any future development will drain stormwater to the drainage system in Lucky Lane as Council requires.

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

The site is connected to urban services. Future development of the site will require roof drainage and sealed areas to be drained and retained in accordance with Byron Shire requirements.

The Engineering Report by S.D.S. Civil Enterprises provides for On-Site Detention (OSD). The owner of the land has previously vegetated and maintained the banks of the filled area, the subject of this planning proposal.

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

The future industrial zone for this 4,220m² allotment will provide an opportunity for new industry/business expansion of the Billinudgel Industrial Estate. It will provide future employment opportunities.

Section D Infrastructure

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

Access to the site is already constructed to the cul-de-sac at the southern end of Lucky Lane. The road has been constructed to a standard suitable for industry. All urban services are available to the site.

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?

There has been no consultation with State and Commonwealth public authorities relating to the proposal. There is no direct access to the Pacific Highway and traffic generated by the proposal is minimum.

Part 4 Mapping

The existing zone map of the Byron L.E.P. 2014 has three (3) zones on the site, LOT 15 DP 1236885, being RU2 Rural Landscape, C3 Environmental Management and C2 Environmental Conservation.

A draft Zone Map for this planning proposal shows the area 4,220m² to be rezoned from RU2 to E4 General Industrial Zone (Appendix 2).

A draft Lot Size Map (Appendix 3) provides for a minimum lot size for the E4 land as 1,000m², as for the adjacent Industrial Zone.

Part 5 Community consultation

The site of this Planning Proposal was identified in the adopted Byron Shire Business & Industrial Lands Strategy, which as on public exhibition and then adopted.

The site has been used as a depot and then approved as a truck depot and is low impact.

The Gateway determination will provide the level of public notification, which will include:

- Updates on Council's website
- Referral to agencies
- Notification in writing to adjacent 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	October 2024
Agency Consultation	December 2024
Public Exhibition Period	December 2024
Submissions Assessment	February 2025
Submission of endorsed LEP to DPIE for finalisation (non-delegated)	April 2025

Submission of endorsed LEP amendment to Parliamentary Counsel for drafting (delegated authority)	May 2025
Council to make the LEP amendment (delegated authority)	August 2025
LEP amendment notification	September 2025

Conclusion

This Planning Proposal seeks to rezone 4,220m² of Lot 15 DP 1236885 at the southern end of Lucky Lane, Billinudgel from zone RU2 Rural Landscape to zone E4 General Industrial.

The site has previously been used as a depot for a Council sewage infrastructure contractor, and has development approval for a truck depot.

The site has urban services installed and is suitable for industrial development upon rezoning.

Appendix

Appendix 1 - Business & Industrial Lands Strategy BSC Oct 2020

Appendix 2 – Proposed Zone Map

Appendix 3 – Proposed Lot Size Map

Appendix 4 – Bushfire Assessment Report

Appendix 5 – Traffic Impact Statement

Appendix 6 – Stormwater Management Plan


Appendix 7 – Urban Growth Area Variation Principles

Appendix 8 – Blackwood Ecological Assessment

Appendix 1

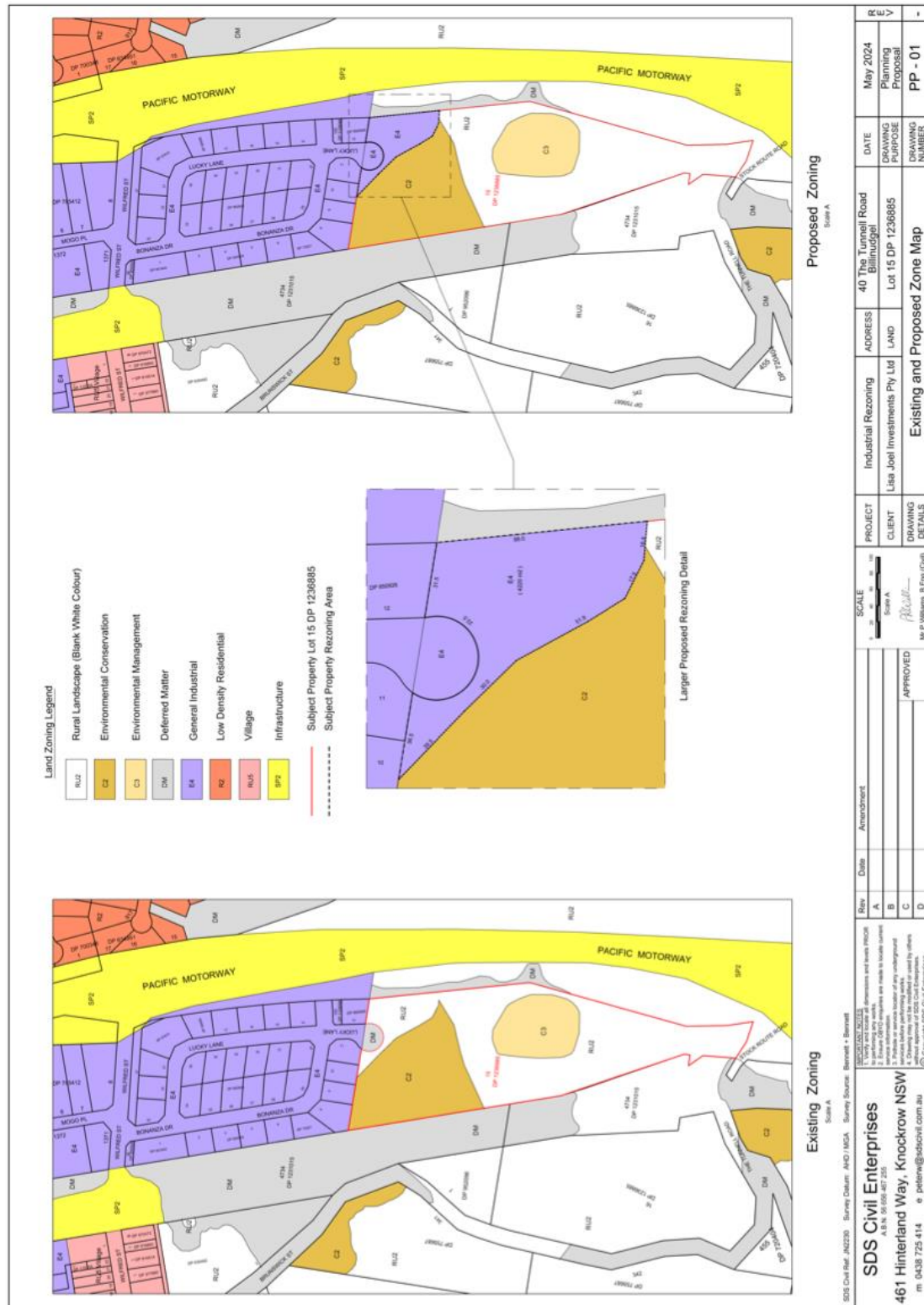
Business & Industrial Lands Strategy BSC Oct 2020

Area 1: Billinudgel Industrial Estate minor expansion area

Area Number	1.
Description	Part of Lot 15 DP1236885
Image of investigation area	
Potential developable land¹.	2000m ²
Preferred role	Industrial urban service land (IN1)
Strengths/ advantages	<ul style="list-style-type: none"> • adjoins existing industrial estate • proximity to existing workforce • on existing public transport route • capacity to be connected to existing infrastructure and transport network.
Key issues and further investigations	<ul style="list-style-type: none"> • land containing HEV vegetation to be excluded and designated as Environmental Zone • flooding, stormwater drainage and land mapped as high hazard flood prone to be excluded • connection to existing infrastructure • possible extension of cul-de-sac head • investigations to ensure that any proposed development is consistent with relevant State and regional planning provisions this may include the management of areas of high environmental value, flooding and heritage/cultural significance.
Anticipated delivery timeframe	Short term

¹to ensure appropriately located and timely delivery of industrial land in the future, it is necessary to identify suitable investigation areas. The use of term 'developable land' in the tables is a composite of possible industrial site/building land as well as land that may be required for roads and other infrastructure services, landscaped buffers, open space and recreational needs. It also includes potentially additional unsuitable constrained lands yet to be identified through more detailed site investigations.

Proposed Zone Map



Appendix 3

Proposed Lot Size Map

