



Mr Mark Arnold
General Manager
Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2482

Attention: Mr Steve Daniels

Dear Mr Arnold

Thank you for your correspondence about Council's proposed introduction of the RU6 Transition zone into the Byron Local Environmental Plan (LEP) 2014.

I note that Council has undertaken an informal public exhibition process to gather feedback from landowners who will potentially be affected by the proposed RU6 Transition zone.

The Department of Planning, Industry and Environment's practice note PN11-002 *Preparing LEPs using the Standard Instrument: standard zones* provides guidance on the use of zones contained in the Standard Instrument – Principal Local Environmental Plan. The note states the RU6 zone can be used to provide a transition between rural land uses and other areas of intensive settlement or environmental sensitivities.

I understand that most of the land Council may consider zoning RU6 is zoned 7(d) Scenic/Escarpment under the Byron LEP 1988 due to its slope and vegetation characteristics.

The Department is not opposed to Council considering the use of the RU6 zone or including additional appropriate zone objectives provided any future planning proposal can demonstrate that:

- the zone is not used as a substitute for an environmental protection zone and the land uses permissible in the zone reflect its status as a rural zone; and
- the zone is not used primarily for scenic protection purposes contrary to the Northern Councils E Zone Review Final Recommendation.

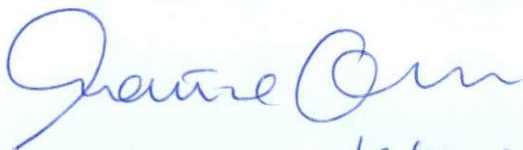
The E Zone final recommendations note that matters of scenic protection are best assessed and managed at the development application stage when the final details of proposed developments are known. The primary controls relating to scenic protection should therefore be contained in Council's development control plan.

I note Council's advice that it does not intend to permit a range of land uses that would normally be permissible in a rural zone. Council's reasons for excluding these land uses appear to be based on the potential scenic impact of such developments. The Department is unlikely to support this approach.

The Department's position remains that the scenic impact of a development is to be assessed at the development application stage. Should Council pursue the inclusion of the RU6 zone, I encourage you to reconsider permitting an appropriate range of land uses with development consent.

If you have any more questions, please contact Mr Paul Garnett, Senior Planner in the Department's Northern Region office, on 6643 6407.

Yours sincerely



Monica Gibson 9/8/2019
Acting Executive Director, Regions